Preserve
for ready reference

G.R.S.4 [X—5]

*Previous references.* 1923-24. **File No.** 14-28

P. P. ) **Serial Nos.** 1 - 15

*Later references:*
D/14-23 Sls. 16+17

23

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* Fifteen (15)

**Part B for** August 1921.

SUBJECT

~~The birth of~~ Registration of Children of British Subjects under ~~the~~ provisions of ~~the~~ British Nationality and Statics of Aliens Act 1922.

Sl ~~15~~ 11. To The Secy to the Resident,
No. pol 86 D 31/7/23
3

~~Forwards~~ an extract from the Register of Births ~~made~~ maintained in the Chickaballapur Town Municipality check ~~for~~ wise available particulars regarding the birth of Poore Theodora.

Sl 15 To The Secy to the Resident
No. No pol 154 D 18-8-1923.
The statement ~~forwarded~~ by him is returned without being filed.

Printed on the Multigraph. ~~Bulk of 8 in the Secretariat~~

Broadway
21/9/23

(1.

G. R. S. III-2.

General and Revenue Secretariat. | P. P. File No. 14 of 1923

| Serial No. | |
|---|---|
| 1 | Dno. 346/G.M. From: The Secy to the Resident No 5543/114-1923 dt 14.7.1923. Forwards a copy of the British nationality and status of Aliens Act 1918 - and 1923 with a memorandum of instructions re the registration of children of British subjects and forwards a copy of the correspondence re the registration of Irene Theodora the eldest child of Dr. T.T. Thomson and requests that necessary instruction may be issued for the registration of the birth of this child. Subd with a draft to the Dy Comr Bangalore Distt regarding the registration of the eldest child of Dr. T.T. Thomson. It is a point for orders as to whether the Dy Comrs copies of the papers regd to the Secy to the Residency letter should be communicated to all the Dy Comrs of Distts with a view to the publicity being given to the new provisions among British families and Communi |

NOTE—Contn. sheet.

G. R. S. III-2.

(2.

General and Revenue Secretariat. | P.P. File No. 14 of 1923

Serial No.

in their Dists. If it is necessa
required number of copies
will have to be obtained fro
the Residency. In this connec
it may, however, be noted
that necessary action in
this respect is perhaps intended to
be taken by Registrars of
Births & Deaths to whom
copies are being sent
direct by the Residency.

2/ C. 12/7

3) * Act If it is considered necessary to
give these rules publicity, so that all
the persons concerned may know them,
then the best course seems to be to
publish the matter in the Mysore Gazette, as
is usual in such cases. I also think it
would be desirable that such publicity shd
be given to the matter.

The draft in the file is for appr—

Ch. Secy 12/7

NOTE—Contn. sheet.

G. R. S. III-2.

346

General and Revenue Secretariat. | File No. of 19

| Serial No. | |
|---|---|
| 4) | What is the position with the D.C., Bhe- the child is stated to have been born in Chickballapur in the Kolar Dt.? The letter of the President Chickballa- pur Municipality should come by the Dt. Collector for ~~submission~~ transmission to the D.C., Kolar for ~~submission~~ transmission to the Govt. as applied to the Govt. 5/ 1917 |
| 2 | To ~~The Secy to the President~~ The President, Municipal Council, Chickballapur. No. G.1529 dt. 18.4.1917 Request that an extract from the Birth Register relating to Irene Theodora, the eldest child of Dr. J. J. Thomson, may be furnished 5) Submit with a draft to the D.C. Kolar as personally directed by the Chief Secy. 21/4/1917 by hour 18/4/17 |

NOTE—Contn. sheet.

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G. R. S. III-2]

General and Revenue Secretariat. P.P File No. 14 of 1923.

| Serial No. | |
|---|---|
| 3 | To The D.C. Trichy &c<br>No G 1625 &c 19.4.1923<br>&c for information a copy of the above letter addressed to the President Munsel council, Srirangam, re the registration of the birth of Irene Theodora.<br>7) Recd to Chief Secy with ref: to Jaffna U/S- the Notes Supra.-<br>2/5 24/7 Ag<br>8) await a reply file 23rd & then submit- by 24/7 |
| 9) Reply was recd & subd to Chief Secy Directed- Yesterday 22-24/7 | Chief Secy |
| 4 | From The President Srirangam Munsel council<br>No 13/23-24 &c 19.4.1923<br>with ref to &c states that there is no entry in the Birth and Death Registers of the year &c April 1917 and that Irene Theodora was born on the 13th April 1917<br>10) Subd with 2 Drafts<br>2/5 24/7 Ag |
| | 11) June 24/7 |

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | P.P. File No. 14 of 1923.

| Serial No. | |
|---|---|
| 5 | To The President<br>Town Municipal Council<br>Vehicklallapur<br>No. G 2136 dt 25.4.1923<br>Requests him to issue instructions to the Regr of Births and Deaths to make an entry of the birth of Srana Theodora with the information now available |
| 6 | To The Secy to the Resident.<br>No Pol 61 dt 25.4.1923<br>States that there is no entry of the birth of the child in the Birth and Death Register and that the President of the municipal council of Vehicklallapur has been asked to register the birth of Srana Theodora noting the information already available |
| 7 | From The Secy to the Resident<br>No 5931/114-1923 dt 24.4.1923<br>Requests that the available particulars re the birth of Srana Theodora may be forwarded. |
| 12) | The President of the municipal council of Vehicklallapur has stated in his letter dt 19.4.1923 (This "in") that the child was born on the 13th April 1914. He has been instructed |

NOTE—Contn. sheet.

678
723

G. R. S. III-2]

General and Revenue Secretariat. | P.P File No. 14 of 1923

Serial No.

to make an entry of the birth of Sremathidevi in the information now available. Please see flag (O).

Subd with two Dfts.

JM. 28.7.23.

13) Jones attached JM 28/7

8 To The President Town Municipal council Chickballapur No C 2302 Dt 28.4.1923

Requests that the available particulars of the birth of the child may be forwarded

9 To The Secy to the President. No Pol 94 Dt 28.4.1923

with ref to Dy 4 states that the information has been called for.

10 From The President, Town Municipal Council Chickballapur No 23/23-24 Dt 24.4.1923

with ref to Dy 6 states that entries of the birth of the child have been made in the Birth Register and forwards an extract of the same.

NOTE—Contn. sheet.

14). Subd with a draft to the Resident 2/8 30/7 AL

15) Jones attached JM 30/7

(7)

G. R. S. III-2]

General and Revenue Secretariat.

P.P File No. 14 of 1923

| Serial No. | |
|---|---|
| 11 | To The Secy to the President<br>No P.P 86 dt 31.7.1923<br>Forwards an extract from the Register of Births maintained in the Chittalapur Town municipality which furnishes the available particulars re the birth of Irene Theodora. |
| 12 | From The Secy to the President<br>No 6216/114-1923 dt 7.8.1923<br>with ref to Sl 11 states that it seems desirable that column 8 of the statement should be filled in and requests that the statement may be returned with the signature of the Ch. Secy. |
| 16) | Subd for orders.<br>7.8.23 Sdy (Chief Secy) |
| 17) | Ms 8.8.23 |
| 18) | Was a notice issued & the Rent raised? |
| | Sdy 9.8.23 |
| 19) | Ms 9/8 |
| 20) | Subd The extract received from the President of the Municipal Council of Chittalapur was |

Ms. Nil 9/8

NOTE—Contn. sheet.

G. R. S. III-2

9(4)
1103

General and Revenue Secretariat.

P. P. File No. 14 of 1923

| Serial No. | |
|---|---|
| | Sent to the Residency in original. In this cols 6, 8 and 10 had been left blank. 2/ 9/8/23 (Ch Secy) 2) Mr 9.8.23 2) Secretary 4/8 |
| 13 | To The Secy to the Resident D.O. No Pol 133 dt 13.8.1923 States that the information was furnished to the Residency, not by the Sanyasi Govt but by Dr Thomson himself and that neither the Cochin Kallakurichi authorities nor the Sanyasi Govt are in a position to certify to the correctness of the entries. |
| 14 | From The Secy to the Resident D.O. No P 6542 dt 16.8.1923 Request that the statement may be returned. 9(4) Sent with a tbc. 2/ 18.8.23 25) Issue 18/8/23 |

NOTE—Contn. sheet.

G. R. S. III-2]

(9

| General and Revenue Secretariat. | P.P. File No. 14 of 1923 |
|---|---|
| Serial No. 15 | To The Secy to the Resident D.O. No Pol 154 dt 18.8.1923 returns the Statement |

AB

NOTE—Contn. sheet.

E. O. 2.—R. P. B.—5—1922.—5,000.

No. 5543 Enc. 8 (18)
117-1923.

Gen 346

URGENT.

**From**

A. N. L. Cater, Esq., I.C.S.,
**SECRETARY to the RESIDENT in MYSORE.**

P.P 14-23-1

**To**

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

***Dated Bangalore,*** 14th July 1923

**Subject:—**

Registration of the birth of children of British subjects under the provisions of the British Nationality and Status of Aliens Act, 1922.

**Sir,**

I am directed to forward a copy of the British Nationality and Status of Aliens Act, 1918-and 1922, together with a memorandum of instructions which have been framed with a view to giving effect to the provisions of the Act of 1922 in regard to the registration of children of British subjects born abroad (i.e. out of His Majesty's dominions). Copies of Chapters XXV and XXXI of the Consular Instructions which are referred to in the memorandum are also enclosed. Copies of these papers are being sent to the Registrars of Births and Deaths in Mysore.

2. I am also to enclose a copy of the correspondence noted in the margin, regarding the registration of Irene Theodora, the eldest child of Dr. T. T. Thomson, a medical Missionary in the service of the London Missionary Society, and to request that, if this has not already been done, the necessary instructions may be issued for the registration

x

Letter from the Home Office to the India Office, No. 443613, dated 6th April 1923 (with two enclosures).
Letter from the Industries and Overseas Department, India Office, No. I. & O. 1689, dated the 31st May 1923, with enclosures.
Telegram to His Majesty's Secretary of State for India, No.1055/1254-I, dated the 30th June 1923.

of

of the birth of this child before the 1st August 1923.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

# BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1918.

[8 & 9 GEO. 5.]

## CHAPTER 38.

A.D. 1918.

An Act to amend the British Nationality and Status of Aliens Act, 1914.

[8th August 1918.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Substitution of provisions for section 7 of the principal Act.

1. The following sections shall be substituted for section seven of the British Nationality and Status of Aliens Act, 1914 (hereinafter referred to as " the principal Act "), which relates to the revocation of certificates of naturalization :— 4 and 5 Geo. 5. c. 17.

Revocation of certificate of naturalisation.

"7.—(1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State shall by order revoke the certificate.

" (2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

(*a*) has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or

(*b*) has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than one hundred pounds; or

(*c*) was not of good character at the date of the grant of the certificate; or

(*d*) has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(*e*) remains according to the law of a state at war with His Majesty a subject of that state;

and that (in any case) the continuance of the certificate is not conducive to the public good.

" (3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such inquiry as is hereinafter specified, and in any case to which subsection (1) or paragraph (*a*), (*c*), or (*e*) of subsection (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last-known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for inquiry accordingly

" (4) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct:

" Provided that any such inquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

" A committee appointed under this section shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters:—

(*a*) the enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(*b*) the compelling the production of documents; and

(*c*) the punishing persons guilty of contempt;.

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

" (5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

" (6) Where the Secretary of State revokes a certificate of naturalization, the revocation shall have effect from such date as the Secretary of State may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

"7A.—(1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Secretary of State directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

Effect of revocation of certificate of naturalization.

" Provided that—

" (*a*) it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

" (*b*) the Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

" (2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case.

" (3) Where a certificate of naturalization is revoked the former holder of thereof shall be regarded as an alien and as a subject of the state to which he belonged at the time the certificate was granted."

Minor amendments of the principal Act.

**2.** The following amendments shall be made in the principal Act :—

(1) In paragraph (*b*) of subsection (1) of section one (which defines natural-born British subjects) after the words " had been granted " there shall be inserted the words " or had become a British subject by reason of any annexation of territory, or " was at the time of that person's birth in the service of the Crown "; and at the end of that section the following subsection shall be inserted :—

" (4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive."

(2) At the end of section two (which relates to the grant of certificates of naturalization) the following subsection shall be inserted :—

" (6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom."

(3) In subsection (2) of section five " whether or not " shall be substituted for " although " and " not " shall be omitted, and in subsection (3) of section five " Act " shall be substituted for " section."

(4) In subsection (1) of section eight (which relates to the grant of certificates of naturalization in British possessions) after the words " United Kingdom " there shall be inserted the words " and of a High Court or superior court of the possession for the High Court, and with the omission of any reference to the approval of the Lord Chancellor," and after the words " any certificate proposed to be granted " there shall be inserted the words " and any proposal to revoke any certificate."

(5) In section ten (which relates to the national status of married women) at the end of the section there shall be added the words " and provided that where an alien is a subject of a state at war with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization."

(6) In subsection (1) of section twenty-seven (which contains definitions) at the end of the definition of " British subject " after the words " has been granted " there shall be inserted the words " or a person who has become a subject of His Majesty by reason of any annexation of territory," and for subsection (2) of that section the following subsection shall be substituted :—

" (2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted."

Provisions as to naturalization certificate.

**3.**—(1) Where a certificate of naturalization has been granted in the United Kingdom during the present war to a person who at, or at any time before, the grant of the certificate was the subject of a country which at the date of the grant was at war with His Majesty, the Secretary of State shall refer for such inquiry as is provided for in the case of revocation of certificates the question whether it is desirable that the certificate should be revoked, and if such question shall be answered in the affirmative shall revoke the certificate, but this provision shall not apply to a person who at birth was a British subject.

(2) No certificate of naturalization shall, before the expiration of a period of ten years after the termination of the present war, be granted in the United Kingdom to any subject of a country which at the time of the

passing of this Act was at war with His Majesty, but this provision shall not apply to a person who—

(*a*) has served in His Majesty's forces or in the forces of any of His Majesty's Allies or of any country acting in naval or military co-operation with His Majesty; or

(*b*) is a member of a race or community known to be opposed to the enemy governments; or

(*c*) was at birth a British subject.

Short title and printing.

**4.**—(1) This Act may be cited as the British Nationality and Status of Aliens Act, 1918, and the principal Act and this Act may be cited together as the British Nationality and Status of Aliens Acts, 1914 and 1918.

(2) Every enactment and word which is directed by this Act to be substituted for or added to any portion of the principal Act shall form part of that Act in the place assigned to it by this Act; and the principal Act, and any enactments referring thereto, shall after the commencement of this Act be construed as if that enactment or word had been originally enacted in the principal Act in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word, and the expression " this Act " in the principal Act or this Act shall be construed accordingly.

(3) A copy of the principal Act with every such enactment and word inserted in the place so assigned shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and His Majesty's printer shall print in accordance with the copy so certified all copies of the principal Act which are printed after the commencement of this Act.

GCP, Delhi—T XI—27—17-5-23—318.

# BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1922.

[12 & 13 GEO. 5.]

## CHAPTER 44.

An Act to amend the British Nationality and Status of Aliens Acts, 1914 and 1918, as respects the acquisition of British nationality by persons born out of His Majesty's Dominions.

A. D. 1922.

[4th August 1922.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of definition of natural-born British subject.

1. Section one of the principal Act (which contains the definition of a natural-born British subject) shall be amended as follows :—

(1) The following paragraph shall be substituted for paragraph (*b*) of subsection (1) :—

(*b*) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfils any of the following conditions, that is to say, if either—

" (i) his father was born within His Majesty's allegiance; or

" (ii) his father was a person to whom a certificate of naturalization had been granted; or

" (iii) his father had become a British subject by reason of any annexation of territory; or

" (iv) his father was at the time of that person's birth in the service of the Crown; or

" (v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and "

(2) The following shall be inserted at the end of subsection (1):

" Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorised in special cases by regulations made under this Act—

" (i) he asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under this Act; and

" (ii) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly."

Consequential amendment.

**2.** At the end of subsection (1) of section twenty-seven of the principal Act, the following words shall be inserted :—

" The expression ' British Consulate ' means the office of any British consular officer where a register of births is kept, and includes, in the case of any territory where there is no British Consulate and there is a British resident or other representative of His Majesty, the office of such resident or representative."

4 and 5 Geo. 5, c. 17. 8 and 9 Geo. 5, c. 38.

Interpretation, short title, and printing.

**3.**- (1) In this Act the expression " the principal Act " means the British Nationality and Status of Aliens Act, 1914, as amended by the British Nationality and Status of Aliens Act, 1918.

(2) This Act may be cited as the British Nationality and Status of Aliens Act, 1922, and the principal Act, the British Nationality and Status of Aliens Act, 1918, and this Act may be cited together as the British Nationality and Status of Aliens Acts, 1914 to 1922.

(3) Every enactment and word which is directed by this Act, to be substituted for or added to any portion of the principal Act, shall form part of the principal Act in the place assigned to it by this Act; and the principal Act, and all Acts, including this Act, which refer thereto shall, after the commencement of this Act, be construed as if the said enactment or word had been enacted in the principal Act, in the place so assigned, and where it is substituted for another enactment or word, had been enacted in lieu of that enactment or word.

A copy of the principal Act, with the amendments, whether by way of substitution, addition or omission, required by this Act, shall be prepared and certified by the Clerk of the Parliaments and deposited with the Rolls of Parliament, and His Majesty's printer shall print, in accordance with the copy so certified, all copies of the principal Act, which are printed after the commencement of this Act.

(4) A reference in any enactment (whether passed before or after the passing of this Act), or in any document to the British Nationality and Status of Aliens Act, 1914, shall, unless the context otherwise requires, be construed to refer to that Act as amended by any enactment for the time being in force.

GOP, Delhi—L XI—16—17-5-23—318.

## Memorandum of instructions in regard to the registration of the birth of children of British subjects under the British Nationality and Status of Aliens Act, 1922.

The provisions of the British Nationality and Status of Aliens Act, 1922, apply only to legitimate children born abroad of fathers who are British subjects at the time of the children's birth. The immediate effect of the Act is to provide facilities whereby such children of the second* and, in certain cases, of the third† generations, can upon registration of their birth in accordance with the provisions of Section 1 (1)(v) of the Act, become British subjects. In process of time these facilities will enable children of later generations born abroad of British fathers also to acquire British nationality.

2. The present position with regard to children born abroad of British fathers is accordingly as follows :—

(1) Children‡ of the first generation whenever born are British subjects.

(2) Children of the second generation—

(*a*) if born before the 1st January 1915 are British subjects ;

(*b*) if born between the 31st December 1914 and the 4th August 1922, are British subjects, provided that their birth is registered at the office of a Registrar of Births and Deaths within one year of its occurrence, or before the 1st August 1923, whichever is the later date. If application is made to such Registrars to register the birth of such a child at a date subsequent to the 1st August 1923, and more than one year but less than two years after its occurrence, the case should be reported to the Government of India for directions ;

(*c*) if born on or after the 4th August 1922 are British subjects if their birth is registered at the office of a Registrar within one year (or, in special circumstances, two years—see paragraph 4 below) of its occurrence.

(3) Children of the third generation—

(*a*) If born before the 4th August 1922, can only benefit by the new Act provided they are not already too old for their birth to be registered within one year (or, in special circumstances, two years—see paragraph 4 below) after birth. For example, the birth of a child born on the 1st October 1921, must be registered before the 1st October 1922 (or, in special circumstances, with the consent of the Secretary of State, the 1st October 1923).

(*b*) If born on or after the 4th August 1922, become British subjects if their birth is registered within one year (or in special circumstances, two years—see paragraph 4 below) after its occurrence.

(4) Children of the 4th and subsequent generations born in the areas referred to will in due course come within the scheme of the new Act, and will accordingly be eligible for registration provided that the father at the time of the child's birth is a British subject, either in consequence of the operation of the provisions of the Act or otherwise.

Steps should now be taken to facilitate the registration of the births of all persons who must be registered in order to benefit by the provisions of the new Act.

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* A "child of the second generation" is the child born abroad of a British subject born abroad whose father was a British subject under paragraph 3 (*a*), (*b*) or (*h*) of Chapter XXV of the General Consular Instructions.

† A "child of the third generation" is the child born abroad of a "child of the second generation."

‡ The children referred to in this clause are the children born abroad of natural born British subjects. In the case of children born abroad of naturalised British subjects this clause should be read subject to the qualifications set out in paragraph 11 of Chapter XXV of the Consular Instructions.

3. The registration of the children affected should be carried out in accordance with the provisions of "Chapter* XXXI of the Consular Instructions", *mutatis mutandis*, and will fall into the regular system of registration of births of British subjects in the areas concerned.

In particular, (*a*) Registrars will accept either written or verbal reports of births in accordance with paragraph 12 of Chapter XXXI, and (*b*) paragraph 2 of that chapter will apply. All possible publicity among British families and communities should be given to the new provisions.

4. In any case where the applicant for the registration of the birth of a child desires an extension of time in accordance with section (1) (*v*) of the Act of 1922 for the purpose (see paragraph 2 *supra*), full particulars of the reasons why registration has not been or will not be possible within the normal period of one year should be ascertained and the matter referred to the Government of India for instructions.

5. Although the persons registered under the provisions of the new Act become British subjects immediately on registration, they will cease to be British subjects unless, within one year of attaining the age of 21, or within such extended period as may be authorised in special cases by regulations made under the Act, they assert their British nationality by a declaration of retention of British nationality registered in such a manner as may be prescribed by the regulations. No question of registration under this provision can however arise till 1936, and the issue of regulations and detailed instructions in regard thereto will be a matter for future consideration.

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* Special importance is attached to the observance of the instructions contained in paragraphs 3 and 5 of this Chapter, in view of the provisions of the Act of 1922.

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# CHAPTER XXV.

(August 1921.)

## British Nationality—Naturalization.

### STATUTORY PROVISIONS.

1. The law as to British nationality and naturalization is now contained in "The British Nationality and Status of Aliens Act, 1914" (which came into operation on the 1st January, 1915), as amended by the later Act of 1918 (Annex I).* In some cases, however (see, for instance, paragraph 11, (*i*) (*a*) and (*ii*) (*a*), of this chapter), the nationality of an individual is still governed by "The Naturalization Act, 1870," as amended by "The Naturalization Act, 1895" (Annex II), and the nationality of the persons referred to in paragraph 3 (*d*) depends on the Acts 4 Geo. II, cap. 21, and 13 Geo. III, cap. 21.

Consular officers should familiarize themselves with the provisions of the Acts printed in Annexes I and II. In cases where they feel any doubt on a question of nationality, they should refer to the Secretary of State.

### ACQUISITION OF BRITISH NATIONALITY.

#### METHODS OF ACQUIRING BRITISH NATIONALITY.

2. British nationality may be acquired in the following ways:—

(*a*) At birth.

(*b*) By naturalization.

(*c*) In consequence of annexation of territory.

(*d*) In the case of women, by marriage to a British subject.

#### (a) *Natural-born British Subjects.*

3. The following persons acquire British nationality at birth:—

(i) *By Birthplace.*

(*a*) Any person (not being the child of a foreign diplomatic officer or of an alien enemy in occupation of British territory) born on British soil† [B. N. A. 1 (1) (*a*)]. A person born on board a foreign ship does not acquire British nationality by reason only that the ship was in British territorial waters at the time of his birth [B. N. A. 1 (2)].

(*b*) Any person born on board a British ship,‡ whether in foreign territorial waters or not [B. N. A. 1 (1) (*c*)].

*References to the sections of this Act in this Chapter are given thus: [B.N.A.3]= "British Nationality and Status of Aliens Act, 1914," Section 3. References to paragraphs are to the numbered paragraphs of this Chapter.

†This expression is used as a convenient abbreviation of the formal phrase "within His Majesty's dominions and allegiance" used in the Act, which excludes the children of diplomats and invading enemies. The expression does not cover British protectorates or protected States; as to the protection abroad of the inhabitants of such territories, and of territories for which His Majesty holds a mandate, see Chapter XXII (I) 10. The word "abroad" is used as meaning "not on British soil," and covers British protectorates and protected States.

‡A British ship may be defined as a ship registered in accordance with "The Merchant Shipping Act, 1894," and wholly owned by British subjects, or by a body corporate established under and subject to the laws of some part of His Majesty's dominions, and having its principal place of business in those dominions.

(ii) *By Descent.*

(*c*) Any person born abroad whose father was, by reason of his birth on British soil or on board a British ship, or in a place where His Majesty exercises ex-territorial jurisdiction, a British subject at the time of the birth of his child [B. N. A. 1 (1) (*b*)].

(*d*) Any person born abroad before the 1st January, 1915, whose paternal grandfather was a British subject by reason of his birth on British soil (4 Geo. II, cap. 21, and 13 Geo. III, cap. 21).*

(*e*) Any person born abroad on or after the 1st January, 1915, whose father was at the time of the birth a British subject by naturalization [B. N. A. 1 (1) (*b*)].

(*f*) Any person born abroad on or after the 1st January, 1915, whose father had become a British subject by reason of any annexation of territory [B. N. A. 1 (1) (*b*)].

(*g*) Any person born abroad on or after the 1st January, 1915, whose father was at the time of the birth a British subject and in the service of the Crown. For this purpose the certificate of a Secretary of State that a person was at any date in the service of the Crown is conclusive [B. N. A. 1 (1) (*b*)].

(*h*) Any person, born in a place where His Majesty exercises ex-territorial jurisdiction, whose father was a British subject at the time of the birth [B. N. A. 1 (1)].

For the purposes of paragraphs [(*c*) to (*h*) above (but not (*a*) or (*b*)], the word "born" means born in lawful wedlock. Illegitimate children born abroad are not British subjects.

(b) *Naturalization.*

4. The grant of a certificate of naturalization confers British nationality upon the recipient.

Certificates of naturalization fall under three categories as follows:—

(*i*) Certificates granted in the United Kingdom under the Act of 1870; *i.e.*, before the 1st January, 1915.

(*ii*) Certificates of Imperial naturalization under the Act of 1914, granted anywhere in the British Empire after the 1st January, 1915.

(*iii*) Colonial or local certificates granted in Dominions and Colonies.

(*i*) Certificates of naturalization granted under the Naturalization Act, 1870, at any date between the 12th May, 1870, and the 1st January, 1915 by the Home Secretary entitle the holders to all the privileges of a British subject in foreign countries (but see paragraphs 24 (*c*) and 25).

(*ii*) Certificates of naturalization granted under the Act of 1914, confer what is known as Imperial naturalization, and a person holding such a certificate is entitled in foreign countries to all the privileges of a British subject (but see paragraphs 24 (*c*) and 25). Section 8 of the 1914 Act gave the power to grant such certificates to the Government of any British possession, but this did not apply to Canada, Australia, New Zealand, South Africa or Newfoundland unless the respective legislatures of those Dominions adopted Part II of the Act. This has, so far, been done by Canada, Newfoundland and Australia. The Canadian adopting Act came into force on the 1st January, 1915, the Newfoundland Act on the 5th June, 1915, and the Australian Act on the 1st January, 1921.

*The meaning of these Acts was decided in De Geer *v.* Stone (22 Ch. D. 243) to be that "the grandchild born abroad, whose father was also born abroad, being respectively grandchild and child of a man who was by the common law a natural-born British subject, would be himself a natural-born British subject, but that this children born abroad would be aliens."

Consequently, certificates of Imperial naturalization are those granted:—

(1) By the Home Secretary on or after the 1st January, 1915.

(2) By the Government of any British possession, other than the five self-governing Dominions, on or after the 1st January, 1915.*

(3) By the Governments of Canada, Newfoundland or Australia on or after the 1st January, 1915, the 5th June, 1915, and the 1st January, 1921, respectively.*

(*iii*) Colonial or local certificates of naturalization are those issued:—

(1) Before the 1st January, 1915, in any part of the British Empire other than the United Kingdom.

(2) On or after the 1st January, 1915, in any of the five self-governing Dominions which at the date of the issue of the certificate had not adopted Part II of the 1914 Act.*

Such naturalization does not have any legal effect beyond the limits of the particular Dominion or colony (including British India) in which it has been conferred. Persons who have received such certificates may, however, as explained in Chapter XXII, Part I, paragraph 17, in certain cases receive the good offices of British Consular officers in foreign countries (but see paragraphs 24 (*c*) and 25 of this chapter).

The statements in this chapter about naturalization apply, except where otherwise expressly stated, only to naturalization under (*i*) and (*ii*) above, and not to Colonial or local naturalization. Where the Home Secretary is referred to in connection with the 1914 Act, it should be understood that in British possessions which have the power to grant Imperial naturalization his powers are exercised by the corresponding authority of the local Government.

*Requirements for Naturalization.*

5. A person applying for naturalization must satisfy the Home Secretary [B. N. A. 2 (1)]:—

(*a*) That he has resided in His Majesty's dominions for not less than five years within the last eight years before his application, of which not less than one year's residence in that part of the dominions in which the application is made must have immediately preceded the application, or that he has been in the service of the Crown for not less than five years within the last eight years before his application.

(*b*) That he is of good character and has an adequate knowledge of the English language.

(*c*) That he intends, if his application is granted, either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

*Consular Officers.*

6. Consuls-General and Consuls of foreign nationality are eligible for British naturalization, as being in the service of the Crown, provided that they intend to continue in such service. No Consular officer inferior in rank to a Consul is, as a general rule, considered to be in the service of the Crown for this purpose unless he holds a Royal Commission or is in receipt of a salary voted by Parliament, but exceptions to this rule are sometimes made in especially deserving cases.

*Colonial or local certificates are still occasionally issued, for special reasons, even after the 1914 Act had been adopted by or become applicable to the Dominion or colony concerned. Such certificates can usually be distinguished by the fact that they state the holder only to be entitled to the privileges of a British subject when within the Dominion or colony concerned. In Canada and Australia such certificates have not been issued since January 1, 1918, and January 1, 1921, respectively.

*Foreign Seamen.*

Foreign seamen are allowed to count towards making up the qualifying periods of residence periods of service in British ships sailing to or from ports in the British dominions.

*Oath of Allegiance.*

7. A certificate of naturalization does not take effect until the applicant has taken the oath of allegiance [B. N. A. 2 (4)]. The oath has to be taken within a month from the grant of the certificate, unless the time is extended on the certificate.

(c) *Annexation of Territory.*

8. In general, the annexation of territory by His Majesty confers British nationality on the inhabitants, except such as possessed at the time the nationality of a State other than that to which the territory previously belonged. But the rules as to the acquisition of British nationality in this way differ to some extent in each case. The most important recent cases are those of the annexations of:—

(*a*) The Transvaal and the Orange Free State. It may be assumed as a general rule that all persons who at the date of the annexation were burghers of the South African Republic or Orange Free State, whether as natural-born or naturalized citizens of the Republics, are British subjects, provided that they have taken no steps since the annexation to acquire a foreign nationality, and that, in the case of naturalized burghers who have returned to their country of origin, they have lost their nationality of origin. If a Consular officer feels a doubt as to whether an individual was, in fact, a burgher of one of the Republics, the case should be reported to the Secretary of State for instructions, unless the applicant holds a valid British passport issued in the Union of South Africa, which should be regarded as sufficient evidence of his British nationality.

(*b*) Cyprus. The rules in this case are contained in the Cyprus (Annexation) Amendment Order in Council, 1917, (Annex III).

(d) *Marriage with a British Subject.*

9. (*a*) A foreign woman who marries a British subject acquires British nationality on marriage (B. N. A. 10).

(*b*) The wife of a foreigner who becomes a British subject by naturalization acquires British nationality (B. N. A. 10).

It will, however, be seen from paragraphs 18 and 20 (*b*) and (*c*) that there are certain cases in which the nationality of a wife may differ from that of her husband.

*Widows and Divorced Women.*

10. A woman retains the nationality which she acquired on marriage even though the husband may have died or the marriage have been dissolved, provided that nothing else has occurred to affect such nationality (B. N. A. 11). See, however, paragraph 20 (*a*).

*Children of Persons who acquired British Nationality by Naturalization.*

11. The nationality of children born *on British soil or on board a British ship* of a father who has acquired British nationality by naturalization is not dependent on the father's naturalization, because they are British subjects under paragraph 3 (*i*) above.

The position of children born *abroad* of such a father depends u various circumstances.*

(i) *Children born abroad before the grant of the Certificate.*

Here the position depends on the date of the certificate.

(*a*) If the certificate was issued before the 1st January, 1915, the child is a British subject only if during infancy and before the 1st January, 1915, it became resident with the father in the United Kingdom, or with the father while in the service of the Crown out of the United Kingdom [1870 Act, Section 10(5).]†

(*b*) If the certificate was issued on or after the 1st January, 1915, the child is a British subject if its name is included in the certificate [B. N. A. 5 (1) ], but not otherwise.

(ii) *Children born abroad after the grant of the Certificate.*

Here the position depends upon the date of the birth.

(*a*) If the child was born before the 1st January, 1915, it is a British subject only if during infancy and before the 1st January, 1915, it became resident with the father in the United Kingdom, or with the father while in the service of the Crown out of the United Kingdom [1870 Act, Section 10 (5)].†

(*b*) If born on or after the 1st January, 1915, it is a British subject under paragraph 3 (*e*) above.

The statements in this paragraph apply, with the substitution of mother " for " father," to the children of a widow who has obtained a ertificate of naturalization during her widowhood.

*Denization.*

12. The power of granting letters of denization is expressly preserved y Section 25 of the 1914 Act, but is rarely exercised. A person who has eceived such letters possesses nearly, but not all, the privileges of naturali- ed British subjects, and when he is in any foreign State other than his ountry of origin he has the full status of a British subject. The children f a denizen born abroad before the grant of the letters of denization acquire 3ritish nationality if they are expressly included in the terms of the grant, ut not otherwise.

## LOSS OF BRITISH NATIONALITY.

### WAYS OF LOSING BRITISH NATIONALITY.

13. British nationality is lost in the following ways:-

(*a*) By naturalization in a foreign State.

(*b*) By making a declaration of alienage.

(*c*) In the case of persons who have obtained British nationality by naturalization, by the revocation of their certificate.

(*d*) In the case of British women, by marriage with a foreigner.

*The question whether the child born abroad of a father who had obtained colonial aturalization could in any circumstances claim to be a British subject when in the )ominion or colony where the father was naturalized, and consequently receive when abroad he good offices of Consular officers, would depend on the law of the Dominion or colony oncerned. If any such case arises the Consular officer should refer it to the Government f the Dominion or colony concerned for a ruling (*see* Foreign Office circular T 5222/355/355 f June 17, 1920).

†If a person born abroad claims British nationality on the ground that his father vas naturalized, and it appears that such naturalization took place before May 12, 1870, he case should be reported to the Secretary of State for instructions.

(a) *Naturalization in a Foreign State.*

14. A British subject who, being of full age, of sound mind, and (if a woman) a spinster or widow or divorced, becomes naturalized in a foreign State by obtaining a certificate of naturalization, or by any other voluntary and formal act, thereby loses British nationality (B. N. A. 13).*

(b) *Declaration of Alienage.*

15. (*a*) A person who acquired British nationality by birth on British soil, on board a British ship or in a place where His Majesty exercises extraterritorial jurisdiction, but who at his birth or during his minority became under the law of any foreign State a subject also of that State and is still such a subject, may, if of full age, of sound mind, and (if a woman) a spinster or widow or divorced, make a declaration of alienage and thereby cease to be a British subject [B. N. A. 14 (1)].

(*b*) Any person who, though born abroad, is a natural-born British subject, may similarly make a declaration of alienage and thereby cease to be a British subject [B. N. A. 14 (2)].

(*c*) In certain cases, persons who have obtained British nationality by naturalization may abandon their British nationality by making a declaration of alienage (B. N. A. 15).

(*d*) A person who, during infancy, has obtained British nationality in consequence of his name having been included in a certificate of naturalization granted to his father (or widowed mother) on or after the 1st January 1915, may abandon his British nationality by making a declaration of alienage within one year after attaining his majority [B. N. A. 5 (1)].

(c) *Revocation of Certificate of Naturalization.*

16. The Home Secretary has power to revoke a certificate of naturalization granted by him if he is satisfied that the certificate has been obtained by false representation or fraud or by concealment of material circumstances, or that the naturalized person has shown himself to be disaffected or disloyal to His Majesty [B. N. A. 7 (1)], and in certain specified circumstances where the continuance of the certificate would not be conducive to the public good [B. N. A. 7 (2)]. The fact of having been ordinarily resident for not less than seven years out of His Majesty's dominions is a ground for the revocation of the certificate [B. N. A. 7 (2) (*d*)], except in the circumstances there mentioned.

(d) *Marriage with a Foreigner.*

17. A British woman who marries a foreigner thereby loses her British nationality (B. N. A. 10). It may be assumed that she acquire the nationality of her husband under his national law. See paragraph 20 (*c*) for one case in which a woman who has lost her British nationality in this way may resume it during the continuance of the marriage.

*Wives of Persons losing British Nationality.*

18. (*a*) The wife of a British subject who loses his British nationality by naturalization in a foreign State or by making a declaration of alienage loses her British nationality *ipso facto* (B. N. A. 10), unless she takes the action mentioned in paragraph 20 (*b*).

(*b*) Where a certificate of naturalization is revoked, the Home Secretary may by order direct that the wife of the person concerned shall cease to be a British subject, and thereupon she loses her British nationality. But if he does not so direct, the wife's nationality is not affected by the

*A British subject who had become naturalized in a foreign State before May 12, 1870, was entitled to make, at any time between May 12, 1870, and May 12, 1872, a declaration that he desired to remain a British subject, and thereupon he was considered as being and always having been a British subject, except when within the limits of the State within which he had been naturalized, if he retained the nationality of that State (1870 Act, Section 6 (1)).

revocation and she remains a British subject [B. N. A. 7 (A) (1) ]. If the Home Secretary does not so direct, the wife has the right, within six months after the date of the order of revocation, to make a declaration of alienage and thereby loses her British nationality [B. N. A. 7 (A) (1) (*a*) ]. (*a*) ).

*Children of Persons losing British Nationality.*

19. (*a*) Where a British subject loses his British nationality by naturalization in a foreign State or by making a declaration of alienage, his minor children thereupon lose their British nationality, unless on their father losing his British nationality they do not become by the law of any other country naturalized in that country [B. N. A. 12 (1)].* The same applies to the children of a widow who loses her British nationality in this way during widowhood.

(*b*) Where a widow who is a British subject marries a foreigner, any child of hers by her former husband does not lose his British nationality by reason only of her marriage [B. N. A. 12 (1)].

(*c*) Where a certificate of naturalization is revoked, the Home Secretary may by order direct that any of the minor children of the person concerned (including children born on British soil) shall cease to be British subjects, and thereupon they lose their British nationality. If the Home Secretary does not so direct, the nationality of the minor children is not affected by the revocation, and they remain British subjects [B. N. A. 7 (A) (1) ]. But if the wife of the person whose certificate is revoked makes a declaration of alienage under Section 7 (A) (1) (*a*) [see paragraph 18 (*b*) ], her minor children thereby lose their British nationality.

## RESUMPTION AND RETENTION OF BRITISH NATIONALITY.

*Married Women.*

20. (*a*) A woman who has lost her British nationality in consequence of her marriage with a foreigner, and whose husband has died or whose marriage has been dissolved, may obtain a certificate of naturalization without complying with all the requirements as to residence laid down in paragraph 5 (*a*) [B. N. A. 2 (5) ]. The grant of such a certificate is, however, in the discretion of the Home Secretary, and in general such certificates are not granted unless the widow intends to reside in His Majesty's dominions (*see* Foreign Office circular 63110/16-T. of the 15th April, 1916.)†

(*b*) Where a British subject loses his British nationality by naturalization in a foreign State or by making a declaration of alienage, his wife is entitled to make a declaration that she desires to retain British nationality, and thereupon she remains a British subject (B. N. A. 10).

(*c*) Where a woman who was at birth a British subject has married an alien who is the subject of a State at war with His Majesty, his wife is entitled to make a declaration that she desires to retain British nationality, and thereupon the Secretary of State may grant her a certificate of naturalization (B. N. A. 10).‡

*Children.*

21. A person who, during infancy, has lost his British nationality in the circumstances described in paragraph 19 (*a*) may, within one year after attaining his majority, make a declaration that he wishes to resume British

*If the naturalization abroad took place before January 1, 1915, the children lost their British nationality if during infancy they became resident in the country where the parent was naturalized, and became naturalized therein according to its laws (1870 Act, section 10 (3) ).

†Before January 1, 1915, a widow who had lost her British nationality by or in consequence of her marriage could obtain a "certificate of readmission to British nationality" (1870 Act, section 10 (2) ). This was in effect equivalent to naturalization.

‡The declaration can only be made during the continuance of the state of war; consequently a woman who had married a subject of one of the Central Powers could not make the declaration after the coming into force of the Treaty of Peace with the Power concerned.

nationality, and thereupon again becomes a British subject [B. N. A. 12 (2)].

*Cases of Doubt.*

22. A special certificate of naturalization may be granted to a person with respect to whose British nationality a doubt exists, and the grant of such a certificate is not an admission that the person to whom it is granted was not previously a British subject (B. N. A. 4).

## EVIDENCE OF BRITISH NATIONALITY.

23. It may be anticipated that in future persons who have occasion to satisfy a Consular officer of their claim to British nationality will usually be in possession of a valid British passport. In such cases no further evidence of their British nationality need be required.*

In order to assist Consular officers in dealing with cases where the applicant is not in possession of a valid passport, the table in Annex IV has been prepared, showing the evidence which may be regarded as completely satisfactory for the purpose of establishing an individual's claim to British nationality. The table shows each method of obtaining British nationality described in the present chapter, and the evidence desired in each case. Consular officers should realize, however, that in many cases especially where the nationality of the applicant depends upon that of his father or grandfather, the applicant may find it impossible to produce the full evidence indicated in the table, and Consular officers should use their discretion in such cases as to what less or other evidence (as, for instance, a statutory declaration by a person who is in a position to depose to the facts) they should accept, referring cases which they do not feel able to decide to the Secretary of State for instructions.

A certificate of registration as a British subject at a British Consulate may be accepted as *prima facie* evidence of the nationality of the person registered but in this, and in all other cases where the document produced does not itself sufficiently identify the person referred to in it, the Consular officers should require to be satisfied as far as possible of the identity of the person concerned; and if any other documents or facts which may transpire should cause the Consular officer to doubt whether the certificate should be accepted as sufficient evidence he should require to be satisfied by further evidence.

Persons claiming British nationality should be required to state that they have not lost such nationality in any way, but need not be required to produce evidence that they have not done so, unless the Consular officer should have ground for suspecting their statement.*

## DUAL NATIONALITY.

24. Dual nationality is produced where a person who is a British subject under British law possesses at the same time the nationality of another State under the law of that State. It usually arises in one of the three following ways:—

(*a*) Where a person born on British soil acquires at birth the nationality of a foreign State under its law because his father was a subject or citizen of that State.

(*b*) Where a person born abroad, who is a British subject because his father or (or in the case of persons born before the 1st January, 1915) his grandfather was a British subject, acquires the nationality of the State in which he was born in consequence of his birth on its soil.

*In the case of naturalized British subjects, however, Consular officers should always refer to the lists of persons whose certificates have been revoked (see paragraph 16) in order to satisfy themselves that the name of the applicant does not appear on any of these lists. This is particularly important in cases where the applicant cannot produce the original certificate or a recently certified copy thereof.

(*c*) Where a person who has acquired British nationality by naturalization has retained his original nationality under the law of the State whose subject or citizen he previously was.*

A combination of the above circumstances may result in a person possessing even more than two nationalities.

*Protection of Persons of Dual Nationality.*

25. The position of a British subject as regards the protection and assistance of Consular officers is not affected by the fact of his possessing a second nationality, except in the country of that second nationality. In such cases the rule is that the nationality of the country in which the individual actually is shall be regarded as the "master nationality," and the individual is not entitled to protection against the authorities of the country, nor to exemption from the obligations which attach to him in virtue of his local nationality. As to the issue of British passports in such cases, however, see Chapter XXVI, paragraph 10; as to the registration of such persons, see chapter XXVII, Section 17.

*In the case of persons whose original nationality was German, Austrian, Hungarian, Bulgarian or Turkish, this situation can no longer arise, because these States are bound by the terms of the respective treaties putting an end to the war with them to recognize British naturalization as depriving the recipient of his original nationality. A treaty to the same effect is in force with the United States.

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# Annex I to Chapter XXV.

[4 & 5 GEO. V. CHAPTER 17.]

*An Act to consolidate and amend the Enactments relating to British Nationality and the Status of Aliens.*

[*7th August, 1914.*

[*Printed as amended in accordance with the British Nationality and Status of Aliens Act, 1918 (8 & 9 Geo. V., c. 38).*]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## Part I.—NATURAL-BORN BRITISH SUBJECTS.

Definition of natural-born British subject.

1.—(1) The following persons shall be deemed to be natural-born British subjects, namely:—

(*a*) Any person born within His Majesty's dominions and allegiance; and

(*b*) Any person born out of His Majesty's dominions, whose father was a British subject at the time of that person's birth and either was born within His Majesty's allegiance or was a person to whom a certificate of naturalization had been granted, or had become a British subject by reason of any annexation of territory, or was at the time of that person's birth in the service of the Crown; and

(*c*) Any person born on board a British ship whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects.

(2) A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

(3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act.

(4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive.

## Part II.—NATURALIZATION OF ALIENS.

Certificate of naturalization.

2.—(1) The Secretary of State may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Secretary of State—

(*a*) That he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application; and

(*b*) That he is of good character and has an adequate knowledge of the English language; and

(*c*) That he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

(2) The residence required by this section is residence in the United Kingdom for not less than one year immediately preceding the application, and previous residence either in the United Kingdom or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

(3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Secretary of State, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

(5) In the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the requirements of this section as to residence shall not apply and the Secretary of State may in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application.

(6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom.

Effect of certificate of naturalization.

5.—(1) A person to whom a certificate of naturalization is granted by a Secretary of State shall, subject to the provisions of this Act, be entaitled to all political and other rights, powers. and privileges, and be subject to all obligations, duties, and liabilities, to which a natural-born British subject is entitled or subject, and, as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject.

12 and 13 Will. 3, c. 2.

(2) Section 3 of " The Act of Settlement " (which disqualifies naturalized aliens from holding certain offices) shall have effect as if the words " naturalized " or " were omitted therefrom.

Special certificate in case of doubt.

4. The Secretary of State may, in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant hereof is made for the purpose of quieting doubts as to the right of a person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

Persons under disability.

5.—(1) Where an alien obtains a certificate of naturalization, the Secretary of State may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

(2) The Secretary of State may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, whether or not the conditions required by this Act have been complied with.

(3) Except as provided by this Act, a certificate of naturalization shall not be granted to any person under disability.

Persons previously naturalized.

6. An alien who has been naturalized before the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and the Secretary of State may grant to him a certificate on such terms and conditions as he may think fit.

Revocation of certificate of naturalization.

7.—(1) Where the Secretary of State is satisfied that a certificate of naturalization granted by him has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the certificate is granted has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Secretary of State shall by order revoke the certificate.

(2) Without prejudice to the foregoing provisions the Secretary of State shall by order revoke a certificate of naturalization granted by him in any case in which he is satisfied that the person to whom the certificate was granted either—

(*a*) Has during any war in which His Majesty is engaged unlawfully traded or communicated with the enemy or with the subject of an enemy State, or been engaged in or associated with any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or

(*b*) Has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months, or to a term of penal servitude, or to a fine of not less than one hundred pounds; or

(*c*) Was not of good character at the date of the grant of the certificate; or

(*d*) Has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connection with His Majesty's dominions; or

(*e*) Remains according to the law of a State at war with His Majesty a subject of that State;

and that (in any case) the continuance of the certificate is not conducive to the public good.

(3) The Secretary of State may, if he thinks fit, before making an order under this section refer the case for such enquiry as is hereinafter specified, and in any case to which sub-section (1) or paragraph (*a*), (*c*), or (*e*) of sub-section (2) of this section applies, the Secretary of State shall, by notice given to or sent to the last-known address of the holder of the certificate, give him an opportunity of claiming that the case be referred for such enquiry, and if the holder so claims in accordance with the notice the Secretary of State shall refer the case for enquiry accordingly.

(4) An enquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of

of State with the approval of the Lord Chancellor) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct:

Provided that any such enquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid be held by the High Court, and the practice and procedure on any enquiry so held shall be regulated by rules of court.

A committee appointed under this section shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters—

(*a*) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(*b*) The compelling the production of documents; and

(*c*) The punishing persons guilty of contempt;

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

(6) Where the Secretary of State revokes a certificate of naturalization, the revocation shall have effect from such date as the Secretary of State may direct, and thereupon the certificate shall be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Effect of revocation of certificate of naturalization.

7A.—(1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Secretary of State directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

Provided that—

(*a*) It shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens; and

(*b*) The Secretary of State shall not make any such order as aforesaid in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Act, and the provisions of this Act as to referring cases for enquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

(2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case.

(3) Where a certificate of naturalization is revoked the former holder thereof shall be regarded as an alien and as a subject of the State to which he belonged at the time the certificate was granted.

Power of Governments of British Possessions to grant certificates of Imperial naturalization.

8.—(1) The Government of any British Possession shall have the same power to grant a certificate of naturalization as the Secretary of State has under this Act, and the provisions of this Act as to the grant and revocation of such a certificate shall apply accordingly, with the substitution of the Government of the Possession for the Secretary of State, and the Possession for the United Kingdom and of a High Court or superior court of the Possession for the High Court, and with the omission of any reference to the approval of the Lord Chancellor, and also, in a Possession where any language is recognised as on an equality with the English language, with the substitution of the English language or that language for the English language:

Provided that, in any British Possession other than British India and a Dominion specified in the First Schedule to this Act, the powers of the Government of the Possession under this section shall be exercised by the Governor or a person acting under his authority, but shall be subject in each case to the approval of the Secretary of State, and any certificate proposed to be granted and any proposal to revoke any certificate shall be submitted to him for his approval.

(2) Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Secretary of State under this Act.

Application of Part II to Self-Governing Dominions.

9.—(1.) This Part of this Act shall not, nor shall any certificate of naturalization granted thereunder, have effect within any of the Dominions specified in the Schedule to this Act, unless the Legislature of that Dominion adopts this Part of this Act.

(2.) Where the Legislature of any such Dominion has adopted this Part of this Act, the Government of the Dominion shall have the like powers to make regulations with respect to certificates of naturalization and to oaths of allegiance as are conferred by this Act on the Secretary of State.

(3.) The Legislature of any such Dominion which adopts this Part of this Act may provide how and by what Department of the Government the powers conferred by this Part of this Act on the Government of British Possession are to be exercised.

(4.) The Legislature of any such Dominion may at any time rescind the adoption of this Part of this Act, provided that no such rescission shall prejudicially affect any legal rights existing at the time of such rescission.

## Part III.—General.

### *Nationality Status of Married Women and Infant Children.*

National status of married women.

10. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien: Provided that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject, and provided that where a alien is a subject of a State at war with His Majesty it shall be lawful for his wife if she was at birth a British subject to make a declaration that she desires to resume British nationality; and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalization.

Status of widows.

11. A woman who, having been a British subject, has by, or in consequence of, her marriage become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by, or in consequence of, her marriage become a British subject, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be a British subject.

Status of children.

12.—(1.) Where a person being a British subject ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such child, on that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country.

Provided that, where the widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

(2.) Any child who has so ceased to be a British subject may, within one year after attaining his majority, make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject.

### *Loss of British Nationality.*

Loss of British nationality by foreign naturalization.

13. A British subject who, when in any foreign State and not under disability, by obtaining a certificate of naturalization or by any other voluntary and formal act, becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject.

Declaration of alienage.

14. (1.) Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign State a subject also of that State, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

(2.) Any person who though born out of His Majesty's dominions is a natural-born British subject may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

Power of naturalized subjects to divest themselves of their status in certain cases.

15. Where His Majesty has entered into a convention with any foreign State to the effect that the subjects or citizens of that State to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by Order in Council, to declare that the convention has been entered into by His Majesty; and from and after the date of the Order any person having been originally a subject or citizen of the State therein referred to, who has been naturalized as a British subject may, within the limit of time provided in the convention, make a declaration of alienage, and on his making the declaration he shall be regarded as an alien and as a subject of the State to which he originally belonged as aforesaid.

16. Where any British subject ceases to be a British subject, he shall not thereby be discharged from any obligation duty or liability in respect of any act done before he ceased to be a British subject.

Saving of obligations incurred before loss of nationality.

*Status of Aliens.*

17. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born British subject:

Capacity of alien as to property.

Provided that this section shall not operate so as to—

(1.) Confer any right on an alien to hold real property situate out of the United Kingdom; or

(2.) Qualify an alien for any office or for any municipal, parliamentary, or other franchise; or

(3.) Qualify an alien to be the owner of a British ship; or

(4.) Entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him; or

(5.) Affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the twelfth day of May eighteen hundred and seventy, or in pursuance of any devolution by law on the death of any person dying before that day.

18. An alien shall be triable in the same manner as if he were a natural-born British subject.

Trial of alien.

*Procedure and Evidence.*

19.—(1.) The Secretary of State may make regulations generally for carrying into effect the objects of this Act, and in particular with respect to the following matters:—

Regulations by Secretary of State.

(*a.*) The form and registration of certificates of naturalization granted by the Secretary of State:

(*b.*) The form and registration of declarations of alienage and declarations of resumption or retention of British nationality:

(*c.*) The registration by officers in the diplomatic or consular service of His Majesty of the births and deaths of British subjects born or dying out of His Majesty's dominions:

(*d.*) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization:

(*e.*) The persons by whom the oath of allegiance may be administered, and the persons before whom declarations of alienage and declarations of resumption of British nationality may be made:

(*f.*) Whether or not oaths of allegiance are to be subscribed as well as taken, and the form in which the taking and subscription are to be attested:

(*g.*) The registration of oaths of allegiance:

(*h.*) The persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths:

(*i.*) The transmission to the United Kingdom, for the purpose of registration or safe keeping or of being produced as evidence, of any declarations, certificates or oaths, made, granted or taken out of the United Kingdom in pursuance of this Act or of any Act hereby repealed, or of any copies thereof, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of this Act or any Act hereby repealed:

(*j.*) With the consent of the Treasury, the imposition and application of fees in respect of any registration authorised to be made by this Act or any Act hereby repealed, and in respect of the making of any declaration or the grant of any certificate authorised to be made or granted by this Act or any Act hereby repealed, and in respect of the administration or registration of any oath: Provided that in the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the fee for the grant of a certificate shall not exceed five shillings.

(2.) Any regulation made by the Secretary of State in pursuance of this Act shall be of the same force as if it had been enacted therein, but shall not, so far as respects the imposition of fees, be in force in any British Possession, and shall not, so far as respects any other matter, be in force in any British Possession in which any Act or ordinance, or, in the case of a Dominion specified in the First Schedule to this Act, any regulation made by the Government of the Dominion under Part II of this Act, to the contrary of, or inconsistent with, any such regulation may for the time being be in force.

(3.) Any regulations made by the Secretary of State under any Act hereby repealed shall continue in force and be deemed to have been made under this Act.

Evidence of declarations.

20. Any declaration made under this Act or under any Act hereby repealed may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Secretary of State, or by any person authorised by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned.

Evidence of certificates of naturalization.

21. A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the Secretary of State, or by any person authorised by him in that behalf.

Evidence of entries in registers.

22. Entries in any register made in pursuance of this Act or under any Act hereby repealed may be proved by such copies and certified in such manner as may be directed by the Secretary of State, and the copies of any such entries shall be evidence of any matters, by this Act or by any Act hereby repealed or by any regulation of the Secretary of State, authorised to be inserted in the register.

Penalty for false representation or statement.

23. If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall, in the United Kingdom, be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months.

Form of oath of allegiance.

24. The oath of allegiance shall be in the form set out in the Second Schedule to this Act.

### *Supplemental.*

Saving for letters of denization.

25. Nothing in this Act shall affect the grant of letters of denization by His Majesty.

Saving for powers of Legislatures and Governments of British Possessions.

26.—(1.) Nothing in this Act shall take away or abridge any power vested in, or exercisable by, the Legislature or Government of any British Possession, or affect the operation of any law at present in force which has been passed in exercise of such a power, or prevent any such Legislature or Government from treating differently different classes of British subjects.

(2.) All laws, statutes and ordinances made by the Legislature of a British Possession for imparting to any person any of the privileges of naturalization to be enjoyed by him within the limits of that Possession, shall, within those limits, have the authority of law.

(3.) Where any part of His Majesty's Dominions are under both a central and a local legislature, the expression "British Possession" shall, for the purposes of this section, include both all parts under the central legislature and each part under a local legislature: Provided that nothing in this provision shall be construed as validating any law, statute or ordinance with respect to naturalization made by any such local legislature in any case where the central legislature possesses exclusive legislative authority with respect to naturalization.

Definitions.

27.—(1.) In this Act, unless the context otherwise requires,—

The expression "British subject" means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted, or a person who has become a subject of His Majesty by reason of any annexation of territory:

The expression "alien" means a person who is not a British subject:

The expression "certificate of naturalization" means a certificate of naturalization granted under this Act or under any Act repealed by this or any other Act:

The expression "disability" means the status of being a married woman, or a minor, lunatic, or idiot:

The expression "territorial waters" includes any port, harbour, or dock.

(2.) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted.

Repeal, short title, and commencement.

28.—(1.) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(2.) This Act may be cited as the British Nationality and Status of Aliens Act, 1914.

(3.) This Act shall come into operation on the 1st day of January, 1915.

## SCHEDULES.

### First Schedule.

*List of Dominions.*

The Dominion of Canada.

The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island). Sections 8, 19.

The Dominion of New Zealand.

The Union of South Africa.

Newfoundland.

### Second Schedule.

*Oath of Allegiance.*

"I, *A. B.*, swear by Almighty God that I will be faithful and bear true allegiance to His Majesty, King George the Fifth, his Heirs and Successors, according to law." Section 24

### Third Schedule.

*Enactments Repealed.* Section 28

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 25 Edw. 3, stat. 1 | Statute for those who are born in parts beyond the seas. | From "and in the right of other children" to the end of the statute. |
| 42 Edw. 3, c. 10 | A statute made at Westminster on the first day of May in the forty-second year of King Edward III. | The whole chapter. |
| 12 & 13 Will. 3, c. 2 | The Act of Settlement | In section three the words "naturalized or." |
| 7 Anne, c. 5 | The Foreign Protestants (Naturalization) Act, 1708. | The whole Act. |
| 4 Geo. 2, c. 21 | The British Nationality Act, 1730 | The whole Act. |
| 13 Geo. 3, c. 21 | The British Nationality Act, 1772 | The whole Act. |
| 33 & 34 Vict., c. 14 | The Naturalization Act, 1870 | The whole Act. |
| 33 & 34 Vict., c. 102 | The Naturalization Oath Act, 1870 | The whole Act. |
| 58 & 59 Vict, c. 43 | The Naturalization Act, 1895 | The whole Act. |

## Annex II to Chapter XXV.

[33 Vict., Chapter 14.]

*An Act to amend the Law relating to the Legal Condition of Aliens and British Subjects.*

[*12th May, 1870.*]

Whereas it is expedient to amend the law relating to the legal condition of aliens and British subjects:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Naturalization Act, 1870."

*Status of Aliens in the United Kingdom.*

Capacity of an alien as to property.

2. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided,—

(1.) That this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise:

* Printed as amended by the Naturalization Act, 1895.

(2.) That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him:

(3.) That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act.

Power of naturalized aliens to divest themselves of their status in certain cases.

3. Where Her Majesty has entered into a convention with any foreign State to the effect that the subjects or citizens of that State who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty, by Order in Council, to declare that such convention has been entered into by Her Majesty; and from and after the date of such Order in Council, any person being originally a subject or citizen of the State referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

A declaration of alienage may be made as follows; that is to say,—If the declarant be in the United Kingdom in the presence of any justice of the peace, if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

How British-born subject may cease to be such.

4. Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but who also at the time of his birth became under the law of any foreign State a subject of such State, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject.

Alien not entitled to jury *de medietate linguae*.

5. From and after the passing of this Act, an alien shall not be entitled to be tried by a jury *de medietate linguæ*: but shall be triable in the same manner as if he were a natural-born subject.

*Expatriation.*

Capacity of British subject to renounce allegiance to Her Majesty.

6. Any British subject who has at any time before, or may at any time after the passing of this Act, when in any foreign State and not under any disability voluntarily become naturalized in such State, shall, from and after the time of his so having become naturalized in such foreign State, be deemed to have ceased to be a British subject and be regarded as an alien: Provided,—

(1.) That where any British subject has before the passing of this Act voluntarily become naturalized in a foreign State and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration hereinafter referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject; with this qualification, that he shall not, when within the limits of the foreign State in which he has been naturalized, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect:

(2.) A declaration of British nationality may be made, and the oath of allegiance be taken as follows: that is to say,—if the declarant be in the United Kingdom in the presence of a justice of the peace; if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

*Naturalization and Resumption of British Nationality.*

Certificate of naturalization.

7. An alien who within such limited time before making the application hereinafter mentioned as may be allowed by one of Her Majesty's Principal Secretaries of State, either by general order or on any special occasion, has resided in the United Kingdom for a term

of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom, or to serve under the Crown, may apply to one of Her Majesty's Principal Secretaries of State for a certificate of naturalization.

The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said Secretary of State may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and it shall be lawful for the said Secretary of State to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

Certificate of readmission to British nationality.

8. A natural-born British subject who has become an alien in pursuance of this Act, and is in this Act referred to as a statutory alien, may, on performing the same conditions and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of Her Majesty's Principal Secretaries of State for a certificate, hereinafter referred to as a certificate of readmission to British nationality, readmitting him to the status of a British subject. The said Secretary of State shall have the same discretion as to the giving or withholding of the certificate as in the case of a certificate of naturalization, and an oath of allegiance shall in like manner be required previously to the issuing of the certificate.

A statutory alien to whom a certificate of readmission to British nationality has been granted shall, from the date of the certificate of readmission, but not in respect of any previous transaction, resume his position as a British subject; with this qualification, that within the limits of the foreign State of which he became a subject he shall not be deemed to be a British subject unless he has ceased to be a subject of that foreign State according to the laws thereof, or in pursuance of a treaty to that effect.

The jurisdiction by this Act conferred on the Secretary of State in the United Kingdom in respect of the grant of a certificate of readmission to British nationality in the case of any statutory alien being in any British possession, may be exercised by the Governor of such possession; and residence in such possession shall, in the case of such person, be deemed equivalent to residence in the United Kingdom.

Form of oath of allegiance.

9. The oath in this Act referred to as the oath of allegiance shall be in the form following; that is to say,

"I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me GOD."

*National Status of Married Women and Infant Children.*

National status of married women and infant children.

10. The following enactments shall be made with respect to the national status of women and children:

(1) A married woman shall be deemed to be a subject of the State of which her husband is for the time being a subject:

(2) A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of readmission to British nationality in manner provided by this Act:

(3) Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the

laws of such country, become naturalized therein, shall be deemed to be a subject of the State of which the father or mother has become a subject and not a British subject:

(4) Where the father, or the mother being a widow, has obtained a certificate of readmission to British nationality, every child of such father or mother who during infancy has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents:

(5) Where the father, or the mother being a widow, has obtained a certificate of naturalization in the United Kingdom, every child of such father or mother who during infancy has become resident with such father or mother in any part of the United Kingdom, or with such father while in the service of the Crown out of the United Kingdom, shall be deemed to be a naturalized British subject.

*Supplemental Provisions.*

Regulations as to registration.

11. One of Her Majesty's Principal Secretaries of State may by regulation provide for the following matters:—

(1) The form and registration of declarations of British nationality:

(2) The form and registration of certificates of naturalization in the United Kingdom:

(3) The form and registration of certificates of readmission to British nationality:

(4) The form and registration of declarations of alienage:

(5) The registration by officers in the Diplomatic or Consular Service of Her Majesty of the births and deaths of British subjects who may be born or die out of Her Majesty's dominions, and of the marriages of persons married at any of Her Majesty's Embassies or Legations:

(6) The transmission to the United Kingdom for the purpose of registration or safe keeping, or of being produced as evidence, of any declarations or certificates made in pursuance of this Act out of the United Kingdom, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of or for the purpose of carrying into effect the provisions of this Act:

(7) With the consent of the Treasury the imposition and application of fees in respect of any registration authorized to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorized to be made or granted by this Act.

The said Secretary of State, by a further regulation, may repeal, alter, or add to any ılation previously made by him in pursuance of this section.

Any regulation made by the said Secretary of State in pursuance of this section shall leemed to be within the powers conferred by this Act, and shall be of the same force : it had been enacted in this Act, but shall not so far as respects the imposition of fees n force in any British possession, and shall not, so far as respects any other matter, n force in any British possession in which any Act or ordinance to the contrary of or nsistent with any such direction may for the time being be in force.

Regulations as to evidence.

12. The following regulations shall be made with respect to evidence er this Act:—

(1) Any declaration authorized to be made under this Act may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Principal Secretaries of State to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned:

(2) A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate:

(3) A certificate of readmission to British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate:

(4) Entries in any register authorized to be made in pursuance of this Act shall be proved by such copies and certified in such manner as may be directed by one of Her Majesty's Principal Secretaries of State, and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the said Secretary of State authorized to be inserted in the register:

(5) The Documentary Evidence Act, 1868, shall apply to any regulation made by a Secretary of State, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

*Miscellaneous.*

Saving of letters of denization.

13. Nothing in this Act contained shall affect the grant of letters of denization by Her Majesty.

Saving as to British ships.

14. Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

Saving of allegiance prior to expatriation.

15. Where any British subject has in pursuance of this Act become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

Power of colonies to legislate with respect to naturalization.

16. All laws, statutes, and ordinances which may be duly made by the legislature of any British possession for imparting to any person the privileges, or any of the privileges, of naturalization, to be enjoyed by such person within the limits of such possession shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty in the same manner, and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other laws, statues, or ordinances in that possession.

Definition of terms.

17. In this Act, if not inconsistent with the context or subject-matter thereof,—

"Disability" shall mean the status of being an infant, lunatic, idiot, or married woman:

"British possession" shall mean any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom, and all territories and places under one legislature are deemed to be one British possession for the purposes of this Act:

"The Governor of any British possession" shall include any person exercising the chief authority in such possession:

"Officer in the Diplomatic Service of Her Majesty" shall mean any Ambassador, Minister, or Chargé d'Affaires, or Secretary of Legation, or any person appointed by such Ambassador, Minister, Chargé d'Affaires, or Secretary of Legation to execute any duties imposed by this Act on an officer in the Diplomatic Service of Her Majesty:

"Officer in the Consular Service of Her Majesty" shall mean and include Consul-General, Consul, Vice-Consul, and Consular Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul, and Consular Agent.

*Repeal of Acts mentioned in Schedule.*

Repeal of Acts.

18. The several Acts set forth in the first and second parts of the schedule annexed hereto shall be wholly repealed, and the Acts set forth in the third part of the said schedule shall be repealed to the extent therein mentioned; provided that the repeal enacted in this Act shall not affect—.

(1) Any right acquired or thing done before the passing of this Act:

(2) Any liability accruing before the passing of this Act:

(3) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before the passing of this Act:

(4) The institution of any investigation or legal proceeding or any other remedy for ascertaining or enforcing any such liability, penalty, forfeiture, or punishment as aforesaid.

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SCHEDULE.

*Note.*—Reference is made to the repeal of the "whole Act," where portions have been repealed before, in order to preclude henceforth the necessity of looking back to previous Acts.

This Schedule, so far as respects Acts prior to the reign of George the Second, other than Acts of the Irish Parliament, refers to the edition prepared under the direction of the Record Commission, entituled "The Statutes of the Realm; printed by command of His Majesty King George the Third, in pursuance of an Address of the House of Commons of Great Britain. From original Records and authentic Manuscripts."

Part I.—*Acts Wholly Repealed, other than Acts of the Irish Parliament.*

| Date. | Title. |
|---|---|
| 7 Jas. 1. c. 2 | ... An Act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's Supper, and the oath of allegiance and the oath of supremacy. |
| 11 Will. 3. c. 6 (*a*) | ... An Act to enable His Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens. |
| 13 Geo. 2. c. 7 | ... An Act for naturalizing such foreign Protestants and others therein mentioned, as are settled or shall settle in any of His Majesty's colonies in America. |
| 20 Geo. 2. c. 44 | ... An Act to extend the provisions of an Act made in the thirteenth year of His present Majesty's reign, entituled "An Act for naturalizing foreign Protestants and others therein mentioned, as are settled or shall settle in any of His Majesty's colonies in America, to other foreign Protestants who consciously scruple the taking of an oath." |
| 13 Geo. 3. c. 25 | ... An Act to explain two Acts of Parliament, one of the thirteenth year of the reign of His late Majesty, "for naturalizing such foreign Protestants and others, as are settled or shall settle in any of his Majesty's colonies in America," and the other of the second year of the reign of His present Majesty, "for naturalizing such foreign Protestants as have served or shall serve as officers or soldiers in His Majesty's Royal American regiment, or as engineers in America." |
| 14 Geo. 3. c. 84 | ... An Act to prevent certain inconveniences that may happen by bills of naturalization. |
| 16 Geo. 3. c. 52 | ... An Act to declare His Majesty's natural-born subjects inheritable to the estates of their ancestors, whether lineal or collateral, in that part of Great Britain called Scotland, notwithstanding their father or mother were aliens. |
| 6 Geo. 4. c. 67 | ... An Act to alter and amend an Act passed in the seventh year of the reign of His Majesty King James the First, entituled "An Act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's Supper and the oath of allegiance and the oath of supremacy." |
| 7 & 8 Vict. c. 66 | ... An Act to amend the laws relating to aliens. |
| 10 & 11 Vict. c. 83 | ... An Act for the naturalization of aliens. |

Part II.—*Acts of the Irish Parliament Wholly Repealed.*

| Date. | Title. |
|---|---|
| 14 & 15 Chas. 2. c. 13 | An Act for encouraging Protestant strangers and others to inhabit and plant in the kingdom of Ireland. |
| 2 Anne c. 14 | ... An Act for naturalizing of all Protestant strangers in this kingdom. |
| 19 & 20 Geo. 3. c. 29 | An Act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others as shall settle in this kingdom. |
| 23 & 24 Geo. 3. c. 38 | An Act for extending the provisions of an Act passed in this kingdom in the nineteenth and twentieth years of His Majesty's reign, entituled "An Act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others as shall settle in this kingdom." |
| 36 Geo. 3. c. 48 | ... An Act to explain and amend an Act, entituled "An Act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others who shall settle in this kingdom." |

Part III.—*Acts Partially Repealed.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 4 Geo. 1, c. 9 (Act of Irish Parliament). | An Act for reviving, continuing, and amending several statutes made in this kingdom heretofore temporary. | So far as it makes perpetual the Act of 2 Anne, c. 14. |
| 6 Geo. 4, c. 50 . . . | An Act for consolidating and amending the laws relative to Jurors and Juries. | The whole of sect. 47. |
| 3 & 4 Will. 4, c. 91 . . . | An Act consolidating and amending the laws relating to Jurors and Juries in Ireland. | The whole of sect. 37. |

(*a*) 11 and 12 Wm. 3 (Ruff.)

# Annex III to Chapter XXV.

*Cyprus (Annexation) Amendment Order in Council, 1917.*

At the Court at *Buckingham Palace*, the 27th day of *November*, 1917.

PRESENT:

The KING'S MOST EXCELLENT MAJESTY.
Lord President.
Lord Chamberlain.
Sir Frederick Ponsonby.
Mr. H. W. Forster.

WHEREAS by an Order in Council dated the 5th day of November, 1914, entitled the Cyprus (Annexation) Order in Council, 1914, it was directed that from and after the date of the said Order in Council the Island of Cyprus should be annexed to, and form part of, His Majesty's dominions:

And whereas by a Proclamation dated the 3rd day of March, 1915, the High Commissioner and Commander-in-Chief of Cyprus, hereinafter called the High Commissioner, declared that under and by virtue of the said Order in Council the following provisions had effect, namely:—

1. That all Ottoman subjects resident in Cyprus on the 5th November, 1914, had become British subjects;

2. That any Ottoman subject resident in Cyprus on the 5th November, 1914, desiring to retain Ottoman nationality might, by notice under his hand, addressed to the High Commissioner, elect to do so within one month of the coming into operation of the said Proclamation; and any such person electing so to do must leave Cyprus within two months after the date of his election, and take up his residence elsewhere, failing which he would be treated as a British subject;

3. Nothing in the said Proclamation contained was to be deemed to affect the position of Ottoman subjects born in Cyprus, and resident elsewhere on the 5th November, 1914, with regard to whom a further Proclamation would be issued in due course;

4. That the said Proclamation should come into operation on the 4th March, 1915:

And whereas doubts have arisen as to the effect of the said Order in Council of the 5th November, 1914, upon the nationality of Ottoman subjects who were in Cyprus on the date thereof, and as to the proper interpretation of the provisions of the said Proclamation regarding the grant of British nationality to Ottoman subjects resident in Cyprus at that date:

And whereas it is desirable to make further provision regarding the position of Ottoman subjects born in Cyprus, and resident elsewhere on the 5th November, 1914:

Now, therefore, His Majesty is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows:—

1. The following persons shall be deemed to have become British subjects under and by virtue of the Cyprus (Annexation) Order in Council, 1914, and the Proclamation of the High Commissioner of the 3rd March, 1915:—

(i) (*a*) Any Ottoman subject who was ordinarily resident, and actually present, in Cyprus on the 5th November, 1914.

(*b*) Any Ottoman subject who was ordinarily resident in Cyprus on the 5th November, 1914, but was absent from Cyprus on that date for the purpose only of his education, or for some other temporary purpose.

Provided that no Ottoman subject coming within paragraphs (*a*) and (*b*) of this sub-article who, by notice under his hand, addressed to the High Commissioner before the 4th day of April, 1915, elected to retain Ottoman nationality, and, if present in Cyprus at the date of such election, left Cyprus within two months after that date and took up his residence elsewhere, shall be deemed to have become a British subject under and by virtue of the Cyprus (Annexation) Order in Council, 1914, the High Commissioner's Proclamation of the 3rd March, 1915, or this Order.

(ii) Any Ottoman subject who, having been born in Cyprus, was not ordinarily resident there on the 5th November, 1914, and who

(*a*) Shall apply to the High Commissioner before the expiration of two years from the termination of the present war for a certificate of British nationality under this Order; and

(*b*) Shall have resided in Cyprus for not less than one year immediately preceding such application; and

(*c*) Shall have resided in Cyprus or some other part of His Majesty's dominions for a further period making a total period of residence in Cyprus, or in Cyprus and some other part of His Majesty's dominions, as the case

may be, of five years within the last eight years before the date of the said application; and

(*d*) Shall have taken the oath of allegiance as hereinafter directed.

2. (i.) A certificate of British nationality shall be granted to any person who has acquired British nationality in accordance with Article 1 (i) of this Order, and who applies to the High Commissioner for a certificate.

(ii) A certificate of British nationality shall be granted to any person coming within Article 1 (ii.) of this Order who shall have complied with the conditions laid down in paragraphs (*a*), (*b*), (*c*) and (*d*) thereof.

3. The oath of allegiance may be administered by the President of a District Court, and shall be taken, subscribed, and attested in the form set out in the Second Schedule hereto.

4. (i.) Certificates of British nationality under Article 2 (i) of this Order shall be granted by the High Commissioner in the form set out in the First Schedule hereto, and a certificate in such form shall be *primâ facie* evidence of the British nationality of the person to whom it is granted.

(ii.) Certificates of British nationality under Article 2 (ii.) of this Order shall be granted by the High Commissioner in the form set out in the First Schedule hereto, and shall be endorsed with the oath of allegiance taken, subscribed, and attested as hereinbefore directed, and a certificate in such form, and so endorsed, shall be *primâ facie* evidence of the British nationality of the person to whom it is granted.

(iii.) A certificate of British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by the High Commissioner, or any person authorized by him in that behalf.

(iv.) Nothing in this Order shall prevent the High Commissioner from cancelling at any time any certificate of nationality issued under this Order to a person as to whom it may be made to appear to the High Commissioner that he is not entitled to be deemed a British subject under the provisions hereinbefore contained.

5. The High Commissioner may, by Order in Council, make, amend, and revoke regulations for carrying into effect generally the objects of this Order, and in particular with respect to the following matters:—

(*a*) The registration and issue of certified copies of certificates of British nationality:

(*b*) The imposition and application of any fees in respect of any registration authorized to be made under this Order, or the grant of any certificate, or the administration of any oath, or the issue of any certified copy under this Order.

6. If any person shall, for any of the purposes of this Order, make any false representation or any statement false in a material particular, he shall be liable in respect of each offence to imprisonment with or without hard labour, for any term not exceeding six months.

7. This Order may be cited as the Cyprus (Annexation) Amendment Order in Council, 1917, and shall be read as one with the Cyprus (Annexation) Order in Council, 1914, and the said Orders may be cited as the Cyprus (Annexation) Orders in Council, 1914 and 1917.

And the Right Honourable Walter Hume Long, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZROY.

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## SCHEDULES.

### First Schedule.

His Majesty's High Commissioner and Commander-in-Chief for Cyprus, hereby certify that
of whom a description, photograph, and specimen signature appear on this certificate, has become a British subject under and by virtue of the Cyprus (Annexation) Orders in Council, 1914 and 1917.

*Description.*

Profession.....

Place and Date of Birth.....

Height: feet inches

Forehead..... Eyes.....

Nose..... Mouth.....

Chin..... Colour of Hair.....

Complexion..... Face.....

Any special peculiarities.....

*Photograph.*

*Signature.*

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SECOND SCHEDULE.

I, *A. B.*, do swear that I will be faithful and bear true allegiance to His Majesty King George the Fifth, his heirs and successors, according to law. So help me God.

(Signed) *A. B.*

Sworn and subscribed this day of 19 , before me.

(Signed) *X. X.*

*(President of the District Court of*

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## Annex IV to Chapter XXV.

*Evidence of British Nationality.*

| Grounds on which British nationality is claimed. References are to the paragraphs of chapter XXV. | Evidence desired. |
|---|---|
| 3 (*a*) and (*b*) | Birth certificate* of applicant. |
| 3 (*c*) | 1. Birth certificate* of father, or if father was born in an exterritorial country, evidence that he was registered there as a British subject.<br>2. Marriage certificate of father.<br>3. Certificate of registration of birth of applicant at a British Consulate. |
| 3 (*d*) | 1. Birth certificate* of grandfather.<br>2. Marriage certificates of grandfather and father.<br>3. Certificate of registration of birth of applicant at a British Consulate. |
| 3 (*e*) | 1. Father's certificate of naturalization, or a certified copy.<br>2. Marriage certificate of father.<br>3. Certificate of registration of birth of applicant at a British Consulate. |

* Or baptismal certificate, if born in a country where birth certificates were not issued at the date of the birth.

| Grounds on which British nationality is claimed. References are to the paragraphs of chapter XXV. | Evidence desired. |
|---|---|
| 3 (*f*) | 1. Evidence of father's British nationality, as in 8 (*a*) or (*b*), as the case may be.<br>2. Marriage certificate of father.<br>3. Certificate of registration of birth of applicant at a British Consulate. |
| 3 (*g*) | 1. Certificate of Secretary of State as to father's being in the service of the Crown, or a certified copy, or an official document to the same effect.<br>2. Marriage certificate of father.<br>3. Certificate of registration of birth of applicant at a British Consulate. |
| 3 (*h*) | Certificate of registration of birth of applicant at a British Consulate, or evidence that he was registered as a British subject at a Consulate in the country where he was born. |
| 4 | Certificate of naturalization. |
| 8 (*a*) | See text of paragraph. |
| 8 (*b*) | Certificate of nationality in form set out in the first schedule of the Order (Annex III). |
| 9 (*a*)* | 1. Marriage certificate.<br>2. Evidence of British nationality of husband, according to the provision of this table which is applicable. |
| 9 (*b*)* | 1. Marriage certificate.<br>2. Certificate of naturalization of husband, or a certified copy. |
| 11 (i) (*a*) | 1. Certificate of naturalization of father,† or a certified copy.<br>2. Marriage certificate of father.<br>3. Evidence of residence during infancy, and before January 1, 1915, with father† in United Kingdom.‡ |
| 11 (i) (*b*) | Father's certificate of naturalization, or a certified copy, showing name of applicant. |
| 11 (ii) (*a*) | As in 11 (i) (*a*). |
| 11 (ii) (*b*) | As in 3 (*e*). |
| 12 | The letters of denization. |
| 20 (*a*) | The women's certificate of naturalization. |
| 20 (*b*) and (*c*) | A duplicate copy of the wife's declaration, bearing the stamp of the Home Office. |
| 21 | A duplicate copy of the declaration, bearing the stamp of the Home Office. |
| 22 | Certificate of naturalization. |

* This applies even if the woman acquired British nationality at birth, as after marriage her nationality depends on that of her husband.

† Or mother, if a widow when naturalized.

‡ This evidence should be in the form of a statutory declaration giving the dates and places at which such residence took place. All cases in this category should be referred, with the evidence produced, to the Secretary of State for instructions.

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## CHAPTER XXXI.

(July 1921.)

### Registration of Births and Deaths.

1 Consular officers should keep a register for births and a register for eaths of British subjects occurring in their districts. They should also eep themselves provided with forms for annual returns, annual " nil " eturns, and certificates (annexes 1—6 of this chapter).

2. It is the duty of Consular officers to make every effort to encourage ie registration of any births and of any deaths of British subjects occurring ithin their districts. Printed notices are supplied by the Foreign Office rging the advantages of such registration, and copies of such notices should e exhibited in every Consular office.

3. Consular officers should in every case thoroughly satisfy themselves f the British nationality, in accordance with the provisions of Chapter XV of these Instructions, of the child to be registered or of the person eceased.

4. In the case of the registration of a birth, since a child born abroad an only derive British nationality from its father, full particulars of the ather's nationality, showing how it is derived,* should be entered in olumn 6 immediately after the particulars of " rank, profession or occuation." It should, however, be borne in mind that the child of a British ather is not necessarily itself a British subject, and care should be taken to ake sure that the British nationality of the father is of such a nature iat his children are by law also British subjects.

5. Similarly in the case of the registration of a death, full particulars f the British nationality of the person deceased should be entered in column of the certificate.

6. Illegitimate children born abroad out of His Majesty's dominions of ritish parents are not British subjects, and their births should not be regis-ered.

7. Where the father of a child is of Scottish or Irish descent and desires hat a copy of the entry of the birth should be sent to the Registrar-General t Edinburgh or Dublin for purposes of record, or where a deceased person s known to have been born in Scotland or Ireland and the relatives of the eceased wish the death specially recorded at Edinburgh or Dublin, the ntry of the birth or death should be marked " S " or " I," as the case may e, in order that the Registrar-General at Somerset House may be enabled eadily to distinguish it with a view to the ultimate transmission of a copy f the entry to the authorities concerned.

8. All registers of births and deaths, or extracts therefrom, should be gned by the Consular Officer, or by the officer officially exercising his functions for the time being, and the signature should in each case be accomanied by the Consular officer's official seal.

9. Each entry and certified copy of the entry of a birth or death should e complete in itself so that a transcript of any single entry may be issued s a certificate of the event recorded.

10. In January of each year Consular Officers should forward to the egistrar-General at Somerset House a copy of entries made in their registers of births and deaths during the year, certified under their hands and eals to be correct. (See annexes 1 and 4.) Should no registration have aken place during that period, certificates to that effect should be sent on he " nil " return forms. (See annexes 2 and 5.) These returns and certificates of no registry should be made on the forms officially provided; the eturns should be addressed direct to the Registrar-General,

* See Chapter XXV, Section 3 (ii).

Somerset House. Vice-Consuls and Consular Agents should, however, forward their returns through their superintending Consular officers.

11. Applications for register books of births and deaths and for all other forms connected therewith should be made to the Secretary of State. Superintending Consular officer should supply the Vice-Consuls in their districts with such books and forms as they may require.

12. Consular officers are authorized to register all births and deaths of British subjects reported to them either verbally or in writing as occurring within their districts, provided that not more than seven years have elapsed since the date of the event, and that they are fully satisfied as to the accuracy of the facts and as to the British nationality of the child or of the person deceased. If asked to register births or deaths which have taken place beyond the limit of seven years, they must, after satisfying themselves as to the British nationality of the child or of the person deceased, obtain from the applicant a statutory declaration as to the facts (including the facts on which the claim to British nationality is based), and apply for sanction to the Secretary of State, reporting the circumstances in full. In cases in which the Secretary of State's sanction is given, the Consular officer should insert in the body of the entry after the date of registration, the words " on the authority of the Secretary of State," with a reference to the authorizing despatch.

13. In cases where an application for the registration of a birth or death is received from a person not resident within the Consular district concerned, the applicant should be required to furnish a statutory declaration certifying to the facts, or such other documentary evidence as may fully satisfy the Consular officer of the accuracy of the statements made.

14. The birth of a child born out of His Majesty's Dominions, but not within a district assigned to any one of His Majesty's Consular officers, may be registered at any Consulate, provided that the officer to whom application is made has fully satisfied himself that the child possesses British nationality, that the birth did not take place within any Consular district, and that seven years have not elapsed since it occurred. These facts should, however, be substantiated by a statutory declaration, and the sanction of the Secretary of State must first be obtained in each case. In cases in which the Secretary of State's sanction is given, the Consular officer should insert, after the date of registration, the words " on the authority of the Secretary of State," with a reference to the authorizing despatch.

15. The particulars to be recorded in birth entries should be as follows :—

Column 1.—(When and where born.)—Day and month in words, year in figures; place of birth as precisely as can be ascertained.

Column 2.—(Name.)—Full Christian names of child.

Column 3.—(Sex.)—" Boy " or " girl," as the case may be.

Column 4.—(Name and surname of father.)—Christian names in full, followed by surname; surname to be written in block letters.

Column 5.—(Name and maiden surname of mother.)—Christian names in full and married surname followed by the word "formerly " and the maiden surname. If the mother has been twice married, insert after the married surname the word " late," followed by the former married surname, then the word " formerly." followed by the maiden surname.

Column 6.—(Rank or profession of father.)—To be inserted as fully as possible, followed by full particulars of his nationality as provided for in section 4 above.

Column 7. (Signature, description and residence of informant.)—The person giving information should be requested to insert his (or her) ordinary signature at the top of this column; the Consular officer will then add the relationship (if any) of the informant to the child, and the full postal address of the informant.

If the birth is registered on other than personal information, the nature of the information should be recorded, *e.g.* :—

"*Letter from father, dated*————————."

"*Certificate from Civil Registrar, dated*————————

Column 8.—(When registered.)—Day and month in words, year in figures.

Column 9.—(Signature of Consular officer.)—Ordinary signature of Consular officer followed by his rank.

16. The particulars in death entries should be recorded as precisely as they can be ascertained. In cases of doubt as to the date of death, or age, the approximate date, or age, preceded by the word "*about*" should be given.

Column 1.—(When and where died.)—Day and month in words, year in figures, place of death as precisely as can be ascertained.

Column 2.—(Name and surname.)—Christian name in full, followed by surname. Surname to be written in block letters.

Column 3.—(Sex.)—"Male" or "female."

Column 4.—(Age.)—To be recorded in complete years, months or days.

Column 5.—(Rank or profession.)—To be recorded as fully as possible. Full particulars of the deceased's claim to British nationality should also be inserted in this column.

*Women and Children.*—In the case of a married woman or a widow, the words "*wife of*" *or* "*widow of*" should be entered, followed by the name and rank or profession and particulars of nationality of the husband.

In the case of an unmarried woman, the word "*spinster,*" followed by her rank and profession (if any) and by the particulars of her claim to British nationality should be inserted. If she had neither occupation, rank, profession, nor property, the insertion should be followed by the words "*daughter of,*" followed by the name, occupation, rank or profession, and particulars of nationality of her father. If the deceased woman was possessed of property, she should be described as "*spinster of independent means,*" "*spinster, land or house owner,*" "*spinster, annuitant,*" etc.

In the case of children, the words "son of" or "daughter of" should be entered, followed by the name, rank, profession and particulars of nationality of the father.

Column 6.—(Residence at time of death.)—Full postal address.

Column 7.—(Signature, description and residence of informant).—Whenever practicable the death should be registered on the personal information of some one cognizant of the facts (preferably the nearest relative), who should sign his or her name in column 7. The description (*i. e.*, relationship (if any) between the informant and the person registered) and address of the informant should then be added by the Consular officer.

It is, however, permissible, in cases where personal attendance is impracticable, for the Consular officer to register a death on written application, and to record in this column the authority upon which the entry is made, *e.g.*:—

"*Letter from*————*dated*————."

"*Letter from District Medical Officer at*————
————*dated*————

Column 8.—(When registered.)—Day and month in words, year in figures.

Column 9.—(Signature of Consular officer.)—The ordinary signature of the Consular officer, followed by his rank.

17. Additions or Alterations.

In case of any addition or alteration being desired in the names under which a child has been registered in the register book of births, the birth must be re-registered, by the same informant if possible, and the words "Re-registered at No.———" must be added in the margin of the register book opposite the original entry.

Should the certified copy of the original entry have been already transmitted to the Registrar-General, a fresh copy, with the marginal note and certified under the Consular hand and seal, should be forwarded at the time of re-registration to the Registrar-General, Somerset House.

18. Correction of Errors.

Before recording his signature in column 9 of a birth or death entry, the Consular officer should carefully read through the several columns, and any error found therein should be rectified by striking out the erroneous particulars and inserting the correct ones. All corrections thus made should be initialled by the Consular officer in the broader margin of the entry.

An error, omission, or discrepancy discovered in a completed entry of birth or death may be corrected by the Consular officer in the presence of the original informant, or of some other person cognizant of the facts of the case, provided that the Consular officer is satisfied that the particulars declared to be erroneous are so in fact.

In the case of omissions, discrepancies among the several columns of the entry, or errors which are obviously clerical, the omissions should be supplied, and erroneous particulars struck through, the correct ones being written above, while in the broader margin of the entry a note to the following effect should be inserted :—

"*Column—— corrected on the———by me———, His Britannic Majesty's Consul, in the presence of———.*"

In the case of errors in matters of fact, it is desirable that a statutory declaration should be made by the person requiring the correction, and that without any alteration of the original entry the correction should be effected by means of a note in the broader margin, as follows :—

"*In Entry No.———, Column———, for '———' read '———.' Corrected on the———, by me,———, His Britannic Majesty's Consul, on production of a statutory declaration made by———.*"

In this case the erroneous particulars should be indicated in the entry by a line in ink drawn under them.

In all cases in which a correction is made in an entry after the transmission of the certified copies for the year in which the entry was made, a copy of the amended entry, with the marginal note, and certified under the Consular hand and seal, must be forwarded to the Registrar-General, Somerset House.

## Annex I to Chapter XXXI.

(*Annual Return.*)

BIRTHS within the District of the British_____ at_____.

| No. | When and Where Born. (1) | Name. (2) | Sex. (3) | Name and Surname of Father. (4) | Name and Maiden Surname of Mother. (5) | Rank or Profession of Father. (6) | Signature, Description, and Residence of Informant. (7) | When Registered. (8) | Signature of Consular Officer. (9) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |
| | | | | | | | | | |

I, , His Britannic Majesty's at do hereby certify, that this is a true Copy of the Entries of Birth registered in my Office, from the Entry of the Birth of , No, , to the Entry of the Birth of , No. . Witness my hand and seal, this day of , 19

## Annex 2 to Chapter XXXI.

# BIRTHS.

### BRITISH CONSUL'S ANNUAL "NIL" RETURN.

Consul's District of———————————

I, Consul,

residing at

do hereby certify that no Birth has been registered in the Birth Register Book kept by me during the year from the 1st January, to the 31st December,

Witness my hand and seal, this day of

## Annex 3 to Chapter XXXI.

*(Copy of Single Entry.)*

BIRTH within the District of the British _____ at _____.

| No. | When and Where Born. (1) | Name. (2) | Sex. (3) | Name and Surname of Father. (4) | Name and Maiden Surname of Mother. (5) | Rank or Profession of Father. (6) | Signature, Description and Residence of Informant. (7) | When Registered. (8) | Signature of Consular Officer. (9) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

I, , His Britannic Majesty's at do hereby certify, that this is a true Copy of the
Entry of the Birth of , No. , in the Register Book of Births kept at this Consulate.
Witness my hand and seal, this day of , 19 .

## Annex 4 to Chapter XXXI.

(*Annual Report.*)

DEATHS within the District of the British_____ _____at _____.

| No. | When and Where Died. (1) | Name and Surname. (2) | Sex. (3) | Age. (4) | Rank or Profession. (5) | Residence at the time of Death. (6) | Signature, Description, and Residence of informant. (7) | When Registered. (8) | Signature of Consular Officer. (9) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

I, , His Britannic Majesty's at do hereby certify, that this is a true Copy of the Entries of Death registered in my Office, from the Entry of the death of , No. to the Entry of the Death of , No. . Witness my hand and Seal, this day of 19 .

## Annex 5 to Chapter XXXI.

# DEATHS.

## TISH CONSUL'S ANNUAL "NIL" RETURNS.

Consul's District of ——————————

I, Consul,

siding at

do hereby certify that no death has been registered in the Death Register Book kept by me during the year from the 1st January, , to the 31st December, .

Witness my hand and seal, this day of

## Annex 6 to Chapter XXXI.

*(Copy of Single Entry.)*

DEATHS within the District of the British _____ at _____

| No. | When and Where Died. (1) | Name and Surname. (2) | Sex. (3) | Age. (4) | Rank or Profession. (5) | Residence at the time of Death. (6) | Signature, Description, and Residence of Informant. (7) | When Registered. (8) | Signature of Consular Officer. (9) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

I, _____, His Britannic Majesty's _____ at _____ do hereby certify, that this is a true Copy of the Entry of the Death of _____, No. _____ in the Register Book of Deaths kept at this Consulate.

Witness my hand and seal, this _____ day of _____, 19 .

GCP, Delhi—L XI—27—17-5-23—318

Letter No.443613, dated the 6th April 1923, from the Home Office, to the India Office.

With reference to your letter (I. & O. 3219-22) of the 1st November last on the subject of the arragements to be made in India for the registration of births for the purposes of the British Nationality and Status of Aliens Act, 1922. I am directed by Mr. Secretary Bridgeman to forward for the information of Secretary Viscount Peel the enclosed copy of correspondence between this Department and Mr. Joseph Kitchin with regard to the nationality of the thre children of Dr. Thomas Theodore Thomson.

No.443613, dated the 6th April 1923.
From - The Home Office,
To - J. Kitchin, Esq., 53 Park Hill Road, Croydon.

With reference to your letter of the 12th ultimo regarding the children of Dr. Thomas Theodore Thomson, I am directed by the Secretary of State to say that on the facts stated the two younger children (Ian Fream and Margaret Ethelinda Frances) appear to be British subjects by virtue of birth in His Majesty's Dominions. The eldest child (Irene Theodora) appears to be a child of the "second generation born abroad"; and in order to establish her British nationality her birth must be registered (within the meaning of Section 1 (1) (b) (v) of the British Nationality and Status of Aliens Act, 1922) before 1st August 1923 see heading 2 (b) of the letter, printed in "The Times" of the 2nd October last, to which you refer.

The Government of India have been requested to make arrangements for the registration of birth for the purposes of the Act but the Secretary of State is not yet aware what procedure has been settled; and Dr. Thomson would be well advised on his arrival in this country to consult the India Office in the matter.

Dated the 12th March 1923.
From - J. Kitchin, Esq., 53, Park Hill Road, Croydon,
To - The Secretary of State for Home Affairs, Whitehall, S.W.

The attention of my brother-in-law, Dr. Thomas Theodore Thomson,

(3/6L

a medical missionary in the service of the London Missionary Society has been drawn to the reference in "The Times" of October 2nd to a letter written by you to the Association of British Chambers of Commerce explaining the effect of the Nationality and Status of Alie Act, 1922, applying to children born abroad of British fathers, and desires to know the position as to nationality of his three children

Dr. Thomson's father was Thomas Smith Thomson, born at Edinburg on December 28, 1843. Dr. Thomson himself was born at Neyyoor, Travancore, South India, on November 4, 1879, His three children a:

(1) Irene Theodora Thomson, born at Chikballapur, Mysore State, South India, on April 13, 1917.

(2) Ian Fream Thomson, born at Jammalamadugu, Madras Presidency on September 5, 1918.

(3) Margaret Ethelinda Frances Thomson, born at Jammalamadugu, Madras Presidency, South India, on January 29, 1921.

It will be noted that three classes of Indian States are concerned.

If Dr. Thomson is a child of "the first generation," it may be that his children will only become British subjects provided that their birth is registered at a British Consulate before August 1, 1923, but possibly they are ipso facto British subjects. There is some doubt as to the meaning of "British fathers" and "born abroad."

Will you kindly let me know for Dr. Thomson's information what the position is, and whether it is necessary for him to take any steps. If it is, I may say that he is on his way home on furlough with his family, and the question arises as to whether he can register the births in England and where.

---:0:---

"C O P Y"

Industries & Overseas.
I & O. 1689.

India Office, Whitehall,
London, S.W.1.
31st May 1923.

Urgent.

Registration of births for the purposes of the British Nationality and Status of Aliens Act, 1922; question of issue of instructions on the subject to British representatives in the Indian States.

Sir,

With reference to the letter from this Department dated 1st November 1922, I & O.3219/22, and subsequent correspondence I am directed by the Secretary of State for India to forward, for information, copy of the papers noted in the margin, on the above subject.

From Dr. Thomson, 28-5-23, and Encls.
Reply 31st May 1923.

I am to request that this Department may be informed as soon as possible of any instructions issued by the Government of India on the subject.

In order that an early reply may be sent to Dr. Thomson, and as it appears to be necessary that the birth of his daughter, Irene Theodora, should be registered, within the meaning of the Act of 1922, before 1st August next in order to ensure for her the status of a British subject, the Secretary of State would be glad to be informed by telegraph of any action taken on Dr. Thomson's application for a certificate of registration which he states that he has made in a letter of 23rd May 1923 (see his letter of 28th May 1923).

I am, etc.,
Sd. J. C. Walton, Assistant Secretary
Industries & Overseas Department

To
The Secretary to
the Government of India,
Home Department.

c/o J. Kitchin, Esq.,
53, Park Hill Road, Croydon,
28th May 1923.

The Secretary of State for India,
Whitehall, S.W.

Dear Sir,

With reference to the two letters herewith enclosed (one from J. Kitchin, Esq., Croydon, to the Secretary of State for Home Affairs dated the 12th March 1923, and the other from the Under Secretary of State, Home Office, to J. Kitchin, Esq., dated the 6th April 1923) I have the honour to state that I have arrived in this country from

India and request that I may be informed what steps I must take for the registration of the birth of my daughter Irene Theodora, for the purposes of the British Nationality and Status of Aliens Act, 1922, and where.

The birth of Irene Theodora at Chikballapur, Mysore State, South India, was at the time notified to the Registrar of Births in that town, but no certificate of registration was obtained by me. I wrote to India on the 24th May 1923 in order to obtain, if possible, a certificate of registration of the birth of Irene Theodora.

I have the certificate of baptism of Irene Theodora, who was baptised in Jammalamadugu, Madras Presidency, South India in July 1917.

Your etc.,
Sd. T. T. Thomson.

53 Park Hill Road, Croydon,
March 12, 1923.

The Secretary of State for Home Affairs,
Whitehall, S.W.

Dear Sir,

The attention of my brother-in-law, Dr. Thomas Theodore Thomson, a medical missionary in the service of the London Missionary Society, has been drawn to the reference in "The Times" of October 2nd to a letter written by you to the Association of British Chambers of Commerce explaining the effect of the Nationality and Status of Aliens Act, 1922, applying to children born abroad of British fathers, and he desires to know the position as to nationality of his three children.

Dr. Thomson's father was Thomas Smith Thomson, born at Edinburgh on December 28, 1843. Dr. Thomson himself was born at Neyyoor, Travancore, South India; on November 4, 1879. His three children are:

(1) Irene Theodora Thomson, born at Chikballapur, Mysore State, South India, on April 13, 1917.
(2) Ian Fream Thomson, born at Jammalamadugu, Madras Presidency, on September 5, 1918.
(3) Margaret Ethelinda Frances Thomson, born at Jammalamadugu, Madras Presidency, South India, on January 29, 1921.

It will be noted that three ~~clauses~~ classes of Indian States are concerned.

If Dr. Thomson is a child of the first generation, it may be that his children will only become British subjects provided that their birth is registered at a British Consulate before August 1, 1923, but possibly they are ipso facto British subjects. There is some doubt as

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to the meaning of "British fathers" and "born abroad."

Will you kindly let me know for Dr. Thomson's information what the position is, and whether it is necessary for him to take any steps. If it is, I ~~am to~~ may say that he is on his way home on furlough with his family, and the question arises as to whether he can register the births in England and where.

I am etc.,
Sd. J. Kitchin.

The Under Secretary of State,
Home Office, London, S.W.

Home Office, Whitehall.
6th April 1923.

No.443/613

Sir,

With reference to your letter of the 12th ultimo regarding the children of Dr. Thomas Theodore Thomson, I am directed by the Secretary of State to say that on the facts stated the two younger children (Ian Fream and Margaret Ethelinda Frances) appear to be British subject by virtue of birth in His Majesty's Dominions. The eldest child (Irene Theodora) appears to be a child of the "second generation born abroad and in order to establish her British nationality her birth must be registered (within the meaning of Section 1 (1) (b) (v) of the British Nationality and Status of Aliens Act 1922) before 1st August 1923, see heading 2 (b) of the letter, printed in "The Times" of the 2nd October last, to which you refer.

The Government of India have been requested to make arrangements for the registration of birth for the purposes of the Act, but the Secretary of State is not yet aware what procedure has been settled; and Dr. Thomson would be well advised on his arrival in this country to consult the India Office in the matter.

I am etc.,
Sd. Alan Parsons.

J. Kitchin, Esq.,
53, Park Hill Road, Croydon.

Industries and Overseas.
I. & O. 1689/23.

May, 1923.

Sir,

In reply to your letter of the 28th May, I am directed to inform you that the Secretary of State for India is in communication with the

Government

(60)

Government of India on the question of the issue of instructions to British representatives in the Indian States regarding the registration of births for the purposes of the British Nationality and Status of Aliens Act, 1922. A further letter will be sent to you as soon a possible in regard to the steps to be taken for the registration of t birth of your daughter under Section 1 (1) (b) (v) of the Act regardi which the Government of India have been requested to reply by telegra

I am, etc.

Sd.
Assistant Secretary, Industries and
Overseas Department.

Dr. T. T. Thomson,
C/O J. Kitchin, Esq.,
53, Park Hill Road, Croydon.

Telegram No.1055/1254-I., dated the 30th June 1923, from His Excellency the Viceroy (Foreign and Political Department), Simla, to His Majesty's Secretary of State for India, London.

Reference correspondence ending with letter from Industries and Overseas Department, I & O. 1689, dated 31st May. Instructions are being issued immediately with a view to giving effect to the provisio of British Nationality and Status of Aliens Act, 1922. These instru tions are confined to European British subjects. It is presumed tha Home and India Office did not intend them to be applied to British Indian subjects. Copies follow by post.

Government of India have not received Dr. Thompson's application for certificate of registration. Presumably he addressed Resident i Mysore, who will no doubt take action. Resident's special attention is being drawn to the matter.

---:0:---
"C O P Y"

REGISTRAR, RESIDENT'S OFFICE.

BJ

G. R. S. VI—G/32]

SUBJECT.....

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*Diary No. of letter replied to*.....

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue 18/7/23.

Signed by W. Pitt Greenwood

Section P-P

File No. 14-23

Serial No. 2

No. G. 1598

To The Municipal Council
Chickballapur

Sir

I am directed to address you on the subject of the registration of the birth of Irene Theodora Theresa child of Dr Thomas Theodore Thomson, a medical missionary in the service of the London Missionary Society for the purpose of the British Nationality & Status Act 1922

over.

Section 1 (1) (b) (v) of which is extracted with the marginal note that the child was born at Chandernagore on the 18th April 1917. and that the birth was at the time noted by the Registrar of Births in that town. ~~but that no certificate of registration was obtained by him.~~ I am to request that an extract from the Birth Register, relating to the child, may be kindly furnished with the least possible delay as the registration of the child has to be completed before 18th August 1923.

Yours &c

&c

* Mr Munson has informed the Secretary of State for India

* (The passages are marked at p. 11 of Encl. 4 & p. 1 of Encl. 2 of Ref. letter).

List of enclosures.

Copied by

Examined by

(62)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

*Bangalore, Dated*

*From*

K.Matthan, Esq., B.A.,
Chief *Secretary to the Government of His Highness the Maharaja of Mysore*

*Revenue Department.*

To

The President,

Municipal Council,

CHICKBALLAPUR.

Sir,

I am directed to address you on the subject of the registration of the birth of Irene Theodora, the eldest child of Dr.Thomas Theodora Thomson, a Medical Missionary in the service of the London Missionary Society for the purpose of the British Nationality and Status Act 1922, Section 1(1)(b)(v) of which is extracted in the margin. Dr.Thomson has informed the Secretary of State for India that the child was born at Chikballapur on the 13th April 1917 and that the birth was notified at the time ~~reported~~ to the Registrar of Births in that town. I am to request that an extract from the Birth Register, relating to the child, may be kindly furnished with the least possible delay as the registration of the child has to be completed before 1st August 1923.

1.-(1) The following persons shall be deemed to be natural-born British subjects, namely:-

(b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject and who fulfils any of the following conditions, that is to say, if either--

(v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August nineteen hundred and twenty-two;

I have the Honour to be,
Sir,
Your most obedient servant,

Chief Secretary to Government

G. 1625 Sec. G 19/1
PP 14-23-3

64

To

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

*(Continuation sheet draft form.)*

The Dy Comm Kolar

Sir,

I am directed to forward herewith for your information a copy of a letter No G 1529/PP 14-23-2 dated 18th inst from the ~~Deputy Director~~ addressed direct to the President, Municipal Council, Chickballapur, regarding the registration of the birth of Irene Theodora, the eldest child of Dr Thomas Theodora Thomson, a Medical Missionary in the Service of the London Missionary Society.

In view of the urgency of the matter

I have &c

for Chief

W/18/12/23

2149

(63

Office of the President,
Town Municipal Council,
Dated Chikballapur, 19th July 1923.

No. 13
23-24

P.P. 14-23-4

From,

The President,
Town Municipal Council,
Chikballapur.

To

The Chief Secretary to the Government
Of His Highness the Maharaja of Mysore.

Sir,

With reference to your letter No: G.1529/ P.P.14-23-2, dated the 18th instant, I have the honor to state that there is no entry in the Birth and Death Register of the Town for April 1917 that Irene Theodora, the eldest child of Dr. Thomas Theodora Thomson was born on the 13th April 1917.

Subd for orders.
P.P. file 14-23 connected with this having been subd on 20/7/23 is before the Chief Secy
2/
23/7 by

I have the honor to be,
Sir,
Your most obedient servant,

President,
Chikballapur Town Municipal Council

G. R. S. VI—G/32]

SUBJECT...

*Diary No. of letter replied to*

General and Revenue Secretariat

( )

*the* *191*

Date of issue 25/7/23

Signed by Gr. Rn. S. R.

**Section** P P

**File No.** 14-23

**Serial No.** 5

No. G. 2136

Ext.

To The President-

Town Municipal Cou.

Chittagallapur

Sir

With ref: to you

letter No 13 Dated the 19th

July 1922 I am directe

to request you to fini.

Issue instructions to

the Regr of Births &

Deaths to make an

entry now of the birth

over.

of- Irene Theodora, the eldest-
child of- Dr Thomas Theodora
with the infamous murderess
Thomson. A sample form
of- the entries to be made
is also enclosed.

I have &c

Chief- Secy

Z. Ely-
21/7/03

*List of enclosures.*

Copied by

*Examined by*

G. R. S. VI—G/32]

SUBJECT.....

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*Diary No. of letter replied to*.....

Section P.P.A.

File No. 14-23

Serial No. 68

General and Revenue Secretariat

( )

No. 6661

, the 191 .

Date of issue 25 July 1923

Signed by .....

To

The Secy to the Resident

Sir,

With ref: to your letter No 5543/117-1923 dated the 14th inst: regarding the registration of the birth of Irene Theodora the eldest child of Dr. Thomas Theodora Thomson, I am directed to state that the Presi-

over.

of the Municipal Council
of Chickballapur who was
addressed in the matter
has intimated that there
is no entry in the Birth
and Death Register of the
Town for April 1917. ~~that~~
and that he has been
asked to ~~have~~ register
the birth in the prescribed
form as the intimation should be. His statement
was the first time he got the
name of the child
2. In this connection
I am however, to add
that it ~~seem~~ doubtful whether
~~the Registrar~~ such registration ~~should~~
~~could~~ be made in the
~~Office of the~~ Registrar-births
and Deaths in Mysore ~~and~~
in the Office of the Hon'ble
the Resident in Mysore.
I have &c

Chief Secy

List of enclosures.

Copied by Rao 7/4
Examined by

incompetent to register births
Europeans for the
purposes of the
Br. Nationality

URGENT

R. O. 2.—P. P. E.—11-1922.—5000.

No. 5931 ENCLOS. 117-1923.

*Dated Bangalore,* 27th July 1923.

FROM

A. N. L. Cater, Esq., I.C.S.,

SECRETARY TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

**Subject:—**

Registration of the birth of children of British subjects under the provisions of the British Nationality and Status of Aliens Act, 1922.

SIR,

With reference to your letter No.Pol.61, dated the 25th July 1923, I am directed to request that the available particulars regarding the birth of Irene Theodora may kindly be forwarded to this office before the 1st August 1923.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

G. R. S. VI—G/32]

SUBJECT.....

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*Diary No. of letter replied to*.....

General and Revenue Secretariat

( )

*, the* *191*

Date of issue 28/7/23.

Signed by G.R.S.G.

Immediate

Section ~~P~~ P P

File No. 14-23

Serial No 8

No. G. 2302

To

The President,

Town Municipal Council,

Chittagong.

Sir,

I am to continuation of this office letter No. G. 2130 P.P. 14-23-5 dt. the 25th June 1923 to request you to make an entry of the birth of Irene Theodora ~~in~~ in the birth & death Register of the Town for April 1913 & am directed

*over.*

request that the available particulars as to the birth of a child may be forwarded to this office before the 30th of this month.

The matter may be treated as very urgent

I have etc.

28/7/13

for Clerk of the Council

To

*List of enclosures.*

*Copied by*

*Examined by*

G. R. S. VI—G.32]

SUBJECT.....

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*Diary No. of letter replied to*——

Section P.P

File No. 14-23

Serial No 9

General and Revenue Secretariat

( )

, *the* *191*

Immediate

No. Lol 74

Date of issue 28 July 1923

To The Secy to the Resident

Signed by Mr. K.V. Ananthanaman

Sir,—

With reference to your letter No 5931 dt the 24th July 1923, 117-1923 particulars about the late Mrs Irene Theodora, I am directed to state that the information has been called for and that a further communication on the subject will be addressed to you shortly.——

over

28/7/23 Shows etc.

For Sch. Secy to Govt.

28/7/23 28.7.23

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

(74.

*Bangalore, Dated*.....

K.V. Ananthanarayana Iyer B.A.

*From* T.E. Jayarama Iyer, Esq., B.A., B.L.,
~~XXMAXTHANXESQXBXA~~,
Offg. ~~Chief~~ *Secretary to the Government of His Highness the Maharaja of Mysore.*

*To*

A.N.L. Cater, Esq., I. C. S.,
Secretary to the Hon'ble the
Resident in Mysore, Bangalore.

Sir,

With reference to your letter No. 5931/117-1923 dated the 27th July 1923, re: particulars about the birth of Irene Theodora, I am directed to state that information has been called for and that a further communication on the subject will be addressed to you shortly.

I have the honor to be,
Sir,
Your most obedient servant,

Offg. Chief Secretary to Government.

P.P. 14-23-10.

23

From

The President—
Town Municipal Council
Chickballapur

2628

To,

The Chief Secretary to the
Government of His Highness
the Maharaja of Mysore
Bangalore

Dated 27th July 1923

No 23
23-24

Today 30 JUL 1923

Enc:- one

Sir,

With reference to
your letter No. G2136/P.
14-23-6 dated the 25
July 1923 re. the
birth of Irene Theodor
the eldest child of
Dr. Thomas Theodore
Thomson, I have the
honor to state tha

The entries have now been made and an extract of the same is herewith attached for favour of perusal.

I have the honor to be
Sir,
your most obedient servant

Wm Edwards.
President,
Chickballaspur Town

G. R. S. VI—G/32]

SUBJECT.....

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.....

*Diary No. of letter replied to*

General and Revenue Secretariat

( )

*, the* *191*

Date of issue 31st July 1923

Signed by Jm. K. V. A.

**Section** P.P.

**File No.** 14-23

**Serial No.**

No. Pol 86 Ell

To

The Secy to the Resident

Sir,

In continuation of this Office letter No Pol 74 dated the 28th inst I am directed to forward herewith an extract from the Register of Births maintained in the Chickballapur Town

over.

municipality which furnishes
the available particulars
regarding the birth of
Irene Neodora.

I have &c

MH 30/7/23
For Genl Secy

HH 30/7/23

*List of enclosures.* one

JH
31.7.23

*Copied by*

*Examined by*

Pol 155 914

B. O. 2.—R. P. B.—5—1922.—5,000.

No. 6216 ENC. 1 (79
117-1923.

FROM

A. N. L. Cater, Esq., I.C.S.,
SECRETARY TO THE RESIDENT IN MYSORE.

7 AUG 1923

P. P. 14-23-12

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore.

*Dated Bangalore,* 7th August *1923.*

**Subject:—**

Registration of the birth of children of British subjects under the provisions of the British Nationality and Status of Aliens Act, 1922.

SIR,

With reference to the correspondence ending with your letter No. Pol.86, dated the 31st July 1923, I am directed to state that the birth of Ireno Theodora, the eldest child of Dr. T. T. Thomson, was registered in my office on the 31st July 1923. It seems desirable that column 8 of the enclosed statement should be filled in. So far as the Residency is concerned, the information was received from you. I am therefore to enquire whether you see any objection to affixing your signature in column 8. If not, the statement may kindly be returned with your signature. Your designation and residence will then be typed in the appropriate place.

I have the honour to be,
Sir,
our most obedient servant,

SECRETARY TO THE RESIDENT.

Pur 1103 (82

THE RESIDENCY,
BANGALORE.

D.O.No. 6542

Dated 16th August 1923.

P.P. 14-23-14

Registration of the birth of children of British subjects under the provisions of the British Nationalit and Status of Aliens Act, 1922.

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Dear Matthan

With reference to your demi-official letter No. Pol. 133, dated the 13th August 1923, I am desired to request that the statement forwarded with my letter No. 6216, dated the 7th August 1923, may kindly be returned as early as possible.

P.P. 1618

17.8.23

Yours sincerely
Malcolm

K. Matthan, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

PN

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

*Diary No. of letter replied to*.....

General and Revenue Secretariat

( )

*, the* *191* .

Date of issue 18.8.23

Signed by M. Middlehead

**Section** P.P.

**File No.** 14-2

**Serial No.** 15

**No.** 154/4.1

~~To~~

Dear Sir Sclater,

With reference your D.O. letter no 6542 dt the 16th August 1923 re the registration of the Lucie J. Evans Theodora, I am desired to return herewith the statement forwarded with your letter no 6216 dt the 17th Aug. 1923.

Yours sincerely,

18/8/23

for Chief Sec.

over.

End one

To be seen to the Resident.